

APPENDIX A – Agency Correspondence

Analysis in Section 3011 of SAFETEA-LU, codified at 49 U.S.C. 5309(a)(1), aligns it more closely with the MPO planning process; and (b) section 6002 requires that the "type of work" be identified by the project sponsor at the initiation of the environmental review process. The FTA seeks comment on any implications of these provisions for the New Starts Alternatives Analysis and the NEPA review of the New Starts project.

The FHWA specifically seeks comment on the following questions and issues:

1. *Flexibility.* Are there specific areas where the guidance could and should provide greater flexibility, while still complying with the relevant section 6002 requirement? Within the limits of section 6002, would flexibility in a particular area allow for customization by the State departments of transportation, transit agencies, and FHWA and FTA field offices in response to issues of greater regional concern?

2. *Adequacy of guidance.* Are there areas that need additional guidance or instruction on how best to implement the new requirement?

3. *Lead agency responsibilities.* Some responsibilities of the lead agency have been retained by FHWA and FTA, some have been essentially assigned to the State or local lead agency, and some have been left for the Federal and non-Federal lead agencies to allocate between themselves, project by project as they see fit. Does the description of the roles of the various lead agencies adequately communicate their respective responsibilities, authorities, and limitations? Is the division of labor, responsibility, and authority appropriate?

4. *Methodologies for project analyses.* Is the process for involving participating agencies in the development of methodologies adequate? Will it serve to minimize late-in-the-process methodological debates between transportation agencies and resource agencies?

5. *Coordination with participating agencies.* Does the proposed guidance present the required coordination with participating agencies, including the development of a schedule and its resulting implications, in sufficient detail? Should changes in the schedule require coordination with all participating agencies or just with the cooperating agencies, as stated in SAFETEA-LU?

The FTA and FHWA will respond to comments on the guidance generated by this Notice in a second **Federal Register** notice to be published after the close of

the comment period. That second notice will also announce the availability of the revised Section 6002 guidance that reflects the changes implemented as a result of comments received. In the meantime, the proposed guidance provides the current FHWA and FTA interpretation of Section 6002, the requirements of which became effective on August 10, 2005, the date of SAFETEA-LU's enactment.

Authority: 23 U.S.C. 315; Pub. L. 109-59, 119 Stat. 1144; 49 U.S.C. 5334; 23 U.S.C. 139; 49 CFR 1.48; 49 CFR 1.51.

Issued on: June 23, 2006.

Sandra K. Bushue,

Deputy Administrator, Federal Transit Administration.

J. Richard Capka,

Administrator, Federal Highway Administration.

[FR Doc. E6-10217 Filed 6-28-06; 8:45 am]

BILLING CODE 4910-57-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Environmental Impact Statement: Relocation or Reconstruction of Rail Lines in Tupelo, MS

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Federal Railroad Administration (FRA) is issuing this notice to advise the public that FRA will prepare an Environmental Impact Statement (EIS) for the relocation or reconstruction of railroad lines in the Tupelo, Mississippi central business district. The study area is defined to extend from the vicinity of Plantersville, MS, southeast of Tupelo, to the vicinity of Sherman, northwest of Tupelo. Tupelo is the primary business center of northeast Mississippi.

Currently, within the central business district there are more than 25 at-grade rail crossings on two railroad lines. One of the rail lines is owned by the BNSF Railway Company (BNSF) and the other by the Kansas City Southern Railroad (KCS). The two rail lines cross at an interchange near downtown Tupelo. There are between twenty and twenty-five trains per day on the BNSF line, and three or four per day on the KCS line. There are few rail customers remaining in the central business district, and most of the trains are through trains operating in the Birmingham, Alabama to Memphis, Tennessee corridor.

Traffic congestion is already a significant problem in the central business district, and the current rail line configuration is a contributing cause to this congestion. The switchyard between the two lines is within the central business district, and the BNSF line runs diagonally through the highest volume intersection in the city. Tupelo's employment has been growing at a steady pace of about 1,000 jobs per year for the last few years, which only increases vehicular traffic to the area and further exacerbates the situation. Moreover, issues with access to emergency facilities exist in that many Tupelo residents may be cut off from the regional medical center due to delays caused by the rail line and switching station.

The FRA has entered into a cooperative agreement with the Mississippi Department of Transportation (MDOT), with FRA as the lead Federal agency and MDOT as the lead state agency. Funding for the EIS was provided through an appropriation in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004, Public Law 108-199 (January 23, 2004).

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Parrish, Planning Division, Mississippi Department of Transportation, 401 N. West Street, Jackson, MS 39201, telephone number (601) 359-7685; Mr. John Winkle, Project Manager, Federal Railroad Administration, 1120 Vermont Avenue, NW., Washington, DC 20590, telephone number (202) 493-6067.

Environmental Issues: Possible environmental impacts include displacement of commercial and residential properties, increased noise in some areas, effects to historical properties or archaeological sites, impacts to parks and recreational resources, viewshed effects, impacts to water resources, wetlands, and sensitive biological species and habitat, land use compatibility impacts, energy use, and impacts to agricultural lands.

Alternatives: The EIS will consider alternatives that include: (1) Taking no action; (2) reconstruction with grade separation of rail and highway facilities within the existing corridors; and (3) relocation and construction of the railroad line(s) in new location(s).

Scoping and Comment: FRA encourages broad participation in the EIS process and review of the resulting environmental documents. Comments, questions, and suggestions related to the project and potential environmental concerns are invited from all interested agencies and the public at large to

ensure that the full range of issues related to the proposed action and all reasonable alternatives are addressed and all significant issues are identified. These comments, questions, and suggestions should be addressed to the MDOT or the FRA at the addresses provided above. The public is invited to participate in the scoping process, to review the Draft EIS when published, and to provide input at all public meetings. Letters describing the proposed scope of the EIS and soliciting comments will be sent to appropriate Federal, State, and local agencies, elected officials, community organizations, and to private organizations and citizens who express interest in this proposal. Several public meetings to be advertised in the local media will be held in the project area regarding this proposal. Release of the Draft EIS for public comment and public meetings and hearings related to that document will be announced as those dates are established. A scoping meeting will be conducted in the Tupelo area at a date and place, which will be widely publicized well in advance of the meeting.

Persons interested in providing comments on the scope of the EIS should do so within 30 days of the publication of this Notice of Intent. Comments can be sent in writing to the points of contact listed above.

Issued in Washington, DC, on June 23, 2006.

Mark E. Yachmetz,

Associate Administrator for Railroad Development, Federal Railroad Administration.

[FR Doc. 06-5822 Filed 6-28-06; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2006-24964]

Highway Safety Programs; Model Specifications for Devices To Measure Breath Alcohol

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice amends the Conforming Products List published in 2004 (69 FR 42237) for instruments that conform to the Model Specifications for Evidential Breath Testing Devices (58 FR 48705).

DATES: *Effective Date:* June 29, 2006.

FOR FURTHER INFORMATION CONTACT: Dr. Maria E. Vegega, Office of Behavioral Safety Research, Behavioral Research Division (NTI-131), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; Telephone: (202) 366-4892.

SUPPLEMENTARY INFORMATION: On November 5, 1973, the National Highway Traffic Safety Administration (NHTSA) published the Standards for Devices to Measure Breath Alcohol (38 FR 30459). A Qualified Products List of Evidential Breath Measurement Devices comprised of instruments that met this standard was first issued on November 21, 1974 (39 FR 41399).

On December 14, 1984 (49 FR 48854), NHTSA converted this standard to Model Specifications for Evidential Breath Testing Devices (Model Specifications), and published a Conforming Products List (CPL) of instruments that were found to conform to the Model Specifications as Appendix D to that notice (49 FR 48864).

On September 17, 1993, NHTSA published a notice (58 FR 48705) to amend the Model Specifications. The notice changed the alcohol concentration levels at which instruments are evaluated, from 0.000, 0.050, 0.101, and 0.151 BAC, to 0.000, 0.020, 0.040, 0.080, and 0.160 BAC;

added a test for the presence of acetone; and expanded the definition of alcohol to include other low molecular weight alcohols including methyl or isopropyl. On July 14, 2004, the most recent amendment to the Conforming Products List (CPL) was published (69 FR 42237), identifying those instruments found to conform with the Model Specifications.

Since the last publication of the CPL, five (5) instruments have been evaluated and found to meet the Model Specifications, as amended on September 17, 1993, for mobile and non-mobile use. In alphabetical order by company, they are:

(1) The "Alcotest 6810" manufactured by Draeger Safety, Inc., Durango, Colorado. This is a hand held device intended for use in stationary or roadside operation and is powered by an internal battery. It uses a fuel cell sensor.

(2) & (3) The "Alcotector BAC-100" and the "Alcotector C2H5OH", both sold by Guth Laboratories, Inc. of Harrisburg, Pennsylvania. These devices are hand held devices intended for use in stationary or roadside operations. Both devices use fuel cell sensors and are powered by 4 "AA" batteries. The two devices are identical except for their printers. The BAC-100 has an internal printer. The C2H5OH does not have an internal printer, but can use an optional wireless printer.

(4) The "EV 30" manufactured by Lifeloc Technologies, Inc. of Wheat Ridge, Colorado. This device is a hand held device that uses a fuel cell sensor and is powered by an internal battery. It is intended for stationary or roadside operations.

(5) The "DataMaster DMT", manufactured by National Patent Analytical Systems, Inc. of Mansfield, Ohio. This is a bench-top, AC powered, infrared type breath tester with an analytical filter at 3.44 microns, and interference filters at 3.37 and 3.50 microns.

The CPL has been amended to add the five instruments identified above.

In accordance with the foregoing, the CPL is therefore amended, as set forth below.

CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES

Manufacturer and Model	Mobile	Nonmobile
Alcohol Countermeasure Systems Corp. Mississauga, Ontario, Canada:		
Alert J3AD*	X	X
Alert J4X.ec	X	X
PBA3000C	X	X
BAC Systems, Inc., Ontario, Canada:		
Breath Analysis Computer*	X	X
CAMEC Ltd., North Shields, Tyne and Ware, England:		

Harry Lee James
Deputy Executive Director/
Chief Engineer

Brenda Znachko
Deputy Executive Director/
Administration



Larry L. "Butch" Brown
Executive Director

Ray Balentine
Director
Office of Intermodal Planning

Willie Huff
Director
Office of Enforcement

P. O. Box 1850 / Jackson, Mississippi 39215-1850 / Telephone (601) 359-7249 / FAX (601) 359-7110 / GoMDOT.com

Interdepartmental Memorandum

RECEIVED

JUN 30 2006

HDR

June 26, 2006

To: Mr. Claiborne Barnwell
Environment/Location Engineer

From: Jeffrey A. Pierce *JAP*
State Planning Engineer

Subject: Transmittal of Letters to Chickasaw Officials from FRA on the Tupelo Railroad Relocation EIS

Attached hereto are the letters from the Federal Railroad Administration to Chickasaw Cultural Preservation officials, informing them of the FRA Notice of Intent to conduct an EIS on the relocation of railroads from the Tupelo central business district. The letters are forwarded to you for inclusion in the file on the project. A copy of this memo and the letters are also being furnished to the HDR team for inclusion in the EIS documentation.

Attachment

JAP:GWP:gwp

Pc: ✓ Mr. Jim Lee, HDR Engineering, Inc., 315 East Robinson Street, Suite 400, Orlando, FL 32801
Ms. Joce Pritchett, ABMB Engineers, 700 N. State Street, Suite 300, Jackson, MS 39202



U.S. Department
of Transportation

**Federal Railroad
Administration**

1120 Vermont Ave., N.W.
Washington, D.C. 20590

JUN 19 2006

Ms. Gingy Nail
Director, Cultural Preservation
Chickasaw Nation
Post Office Box 1548
Ada, OK 74821-1548

Re: Tupelo, Mississippi Rail Relocation Project

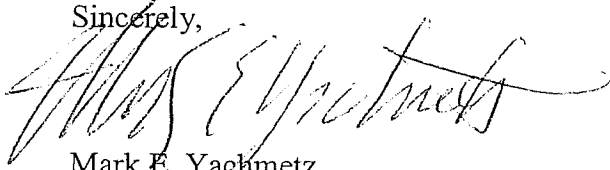
Dear Ms. Nail:

The Federal Railroad Administration (FRA), in cooperation with the Mississippi Department of Transportation (MDOT) is preparing an Environmental Impact Statement (EIS) for the possible relocation of rail lines that run through the central business district of the City of Tupelo. In anticipation of the EIS, FRA and MDOT have prepared a Feasibility Analysis intended to determine the feasibility of alternatives to alleviate roadway congestion caused by the existing rail lines and to quantify the actual cost of congestion in the future. Because the Chickasaw Nation has already expressed an interest in the project, the FRA is sending to you an electronic copy of the Feasibility Study before it is released to the media and the general public.

Shortly, FRA will publish in the Federal Register a Notice of Intent to prepare the EIS. Following the Notice of Intent, MDOT will hold several public hearings where interested parties will be able to comment on the proposed project and the EIS. MDOT will also hold a hearing specifically for interested Native American tribes, and you will be receiving notice of this special hearing once a time and location have been set.

Should you have any questions concerning the Feasibility Study, the proposed project or the EIS process, please contact FRA environmental program manager Mr. John Winkle at (202)493-6067 or at John.Winkle@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Yachmetz", written in a cursive style.

Mark E. Yachmetz
Associate Administrator for
Railroad Development

cc: Wayne Parrish, MDOT

Enclosure



U.S. Department
of Transportation

**Federal Railroad
Administration**

1120 Vermont Ave., N.W.
Washington, D.C. 20590

JUN 19 2006

Mr. Kirk Perry
Administrator, Heritage Preservation
Chickasaw Nation
Post Office Box 1548
Ada, OK 74821-1548

Re: Tupelo, Mississippi Rail Relocation Project

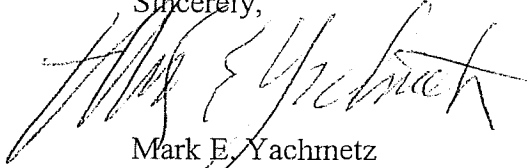
Dear Mr. Perry:

The Federal Railroad Administration (FRA), in cooperation with the Mississippi Department of Transportation (MDOT) is preparing an Environmental Impact Statement (EIS) for the possible relocation of rail lines that run through the central business district of the City of Tupelo. In anticipation of the EIS, FRA and MDOT have prepared a Feasibility Analysis intended to determine the feasibility of alternatives to alleviate roadway congestion caused by the existing rail lines and to quantify the actual cost of congestion in the future. Because the Chickasaw Nation has already expressed an interest in the project, the FRA is sending to you an electronic copy of the Feasibility Study before it is released to the media and the general public.

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Should you have any questions concerning the Feasibility Study, the proposed project or the EIS process, please contact FRA environmental program manager Mr. John Winkle at (202)493-6067 or at John.Winkle@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Yachmetz", written over a faint, larger signature.

Mark E. Yachmetz
Associate Administrator for
Railroad Development

cc: Wayne Parrish, MDOT

Enclosure

July 26, 2006

«Name»

«Title»

«Agency»

«Address»

«City», «State» «Zip_Code»

Re: The Tupelo Railroad Relocation Planning and Environmental Study
MDOT project number FRA-0430-00 (013) / 104289 101000

«Greeting»

Federal Rail Administration in conjunction with Mississippi Department of Transportation is conducting an Environmental Impact Statement (EIS) to evaluate the impacts of relocating or rebuilding the two railroad lines which currently traverse downtown Tupelo. The firms of HDR, Inc and ABMB Engineers, Inc along with others have been contracted to conduct the EIS and related studies.

We would like to take this opportunity to invite you to an Agency Scoping Meeting to discuss the environmental impacts of the proposed project. The meeting will be held **Monday, August 14, 2006** at the **Tupelo Community Development Foundation Boardroom in Tupelo, MS at 1:00 pm**. A map is attached for your convenience.

300 W Main St
Tupelo, MS 38804
(662) 842-4521

You are also invited to attend an open-house style public meeting the following day at 4:00 pm. The public meeting will be held at the Bancorpsouth Conference Center, located at 375 E. Main St. between Monaghan and Mulberry Streets.

Please find enclosed, a CD containing the Feasibility Study recently completed for this project. The Feasibility Study outlines the project area, preliminary environmental constraints and proposed alternatives. These alternatives were developed to determine feasibility of the project only.

Your input and suggestions would be appreciated in this endeavor. If you have any questions please contact MDOT Project Managers Wayne Parrish at (601) 359-7685 in the Planning Division or Kim Thurman at (601) 359-7920 in the Environmental Division.

Sincerely,

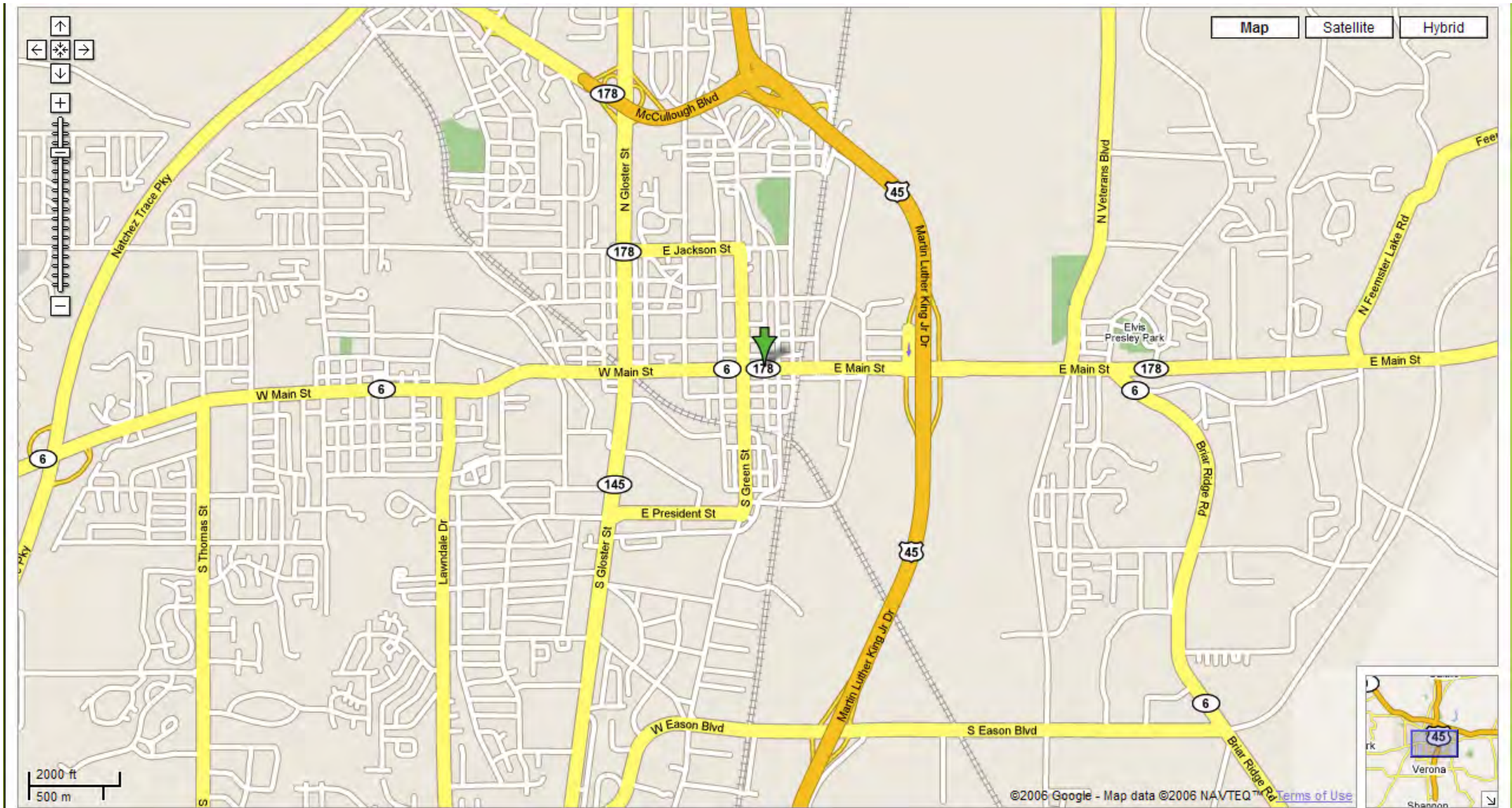
Jeffrey Pierce, PE
Planning Division Engineer, Project Director
Mississippi Department of Transportation

Enclosure

The Tupelo Railroad Relocation Planning and Environmental Study
MDOT project number FRA-0430-00 (013) / 104289 101000

Agency Scoping Meeting
Monday, August 14, 2006

Tupelo Community Development Foundation
Boardroom
300 W Main St
Tupelo, MS 38804



MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Dr. Sam Polles
MS Department of Wildlife, Fisheries and Parks
1505 Eastover Drive
Jackson, MS 39211-6322

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Cecil Vick
Federal Highway Administration
666 North St., Ste. 105
Jackson, MS 39202-3199

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Andy Hughes
Federal Highway Administration
666 North St., Ste. 105
Jackson, MS 39202-3199

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Charles Chisolm
MS Department of Environmental Quality
P.O. Box 20305
Jackson, MS 39289-1305

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Craig Stubblefield
NPS-Natchez Trace Parkway
2680 Natchez Trace Parkway
Tupelo, MS 38804

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Dave Hobbie
Mobile District, Corps of Engineers
109 St. Joseph Street
Mobile, AL 36628

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. David Felder
U.S. Fish and Wildlife Service
6578 Dogwood View Parkway
Jackson, MS 39213

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Don Neal
National Forests in Mississippi
100 West Capitol St., Ste. 1141
Jackson, MS 39269

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Don Underwood
MS Soil & Water Conservation Commission
P.O. Box 23005
Jackson, MS 39225-3005

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. H.T. Holmes
MS Department of Archives and History
P.O. Box 571
Jackson, MS 39205-0571

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Homer Wilkes
USDA-Natural Resources Conservation Service
100 West Capitol St., Ste. 1321
Jackson, MS 39269

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. James Sledge
MS Forestry Commission
301 North Lamar St., Ste.300
Jackson, MS 39201

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Jim Woodrick
MS Department of Archives and History
P.O. Box 571
Jackson, MS 39205-0571

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Matthew Hicks
MS Department of Wildlife, Fisheries and Parks
2148 Riverside Drive
Jackson, MS 39202

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Ray Aycock
U.S. Fish and Wildlife Service
6578 Dogwood View Parkway
Jackson, MS 39213

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Robert Seyfarth
MS Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Ted Leininger
U.S. Forestry Service
P.O. Box 227
Stoneville, MS 38776-0227

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Tom Mann
MS Department of Wildlife, Fisheries and Parks
2148 Riverside Drive
Jackson, MS 39202

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Mr. Tony Dixon
National Forests in Mississippi
100 West Capitol St., Ste.1141
Jackson, MS 39269

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Ms. Beth Guynes
Vicksburg District, Corps of Engineers
4155 Clay Street
Vicksburg, MS 39183-3435

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)



Ms. Ntale Kajumba
U.S. Environmental Protection Agency
Atlanta Federal Center, 61 Forsyth St., SW
Atlanta, GA 30303-8960

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
(P.O. Box 1850, Jackson, MS 39215-1850)

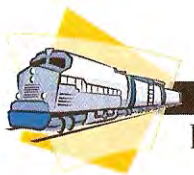


Ms. Susan Jarvis
Vicksburg District, Corps of Engineers
4155 Clay Street
Vicksburg, MS 39183-3435

Tupelo Railroad Relocation Planning and Environmental Study
Public Involvement Plan
Agency Scoping Meeting
August 14, 2006
1:00 pm

AGENDA

- ❖ Introduction of Project – **Wayne Parrish (MDOT)**
- ❖ Federal Rail Administration role – **John Winkle (FRA)**
- ❖ **Jim Lee, PE (HDR)**
 - Introduce Consultant Team
 - Guide the Agency introductions
 - Outline 4-Phase Study Process
- ❖ **Chad Luedtke, PE (HDR)**
 - Brief overview of feasibility study and outcomes
 - Outline the Purpose and Need of the Project
- ❖ **John Morton, PE (HDR); Joce Pritchett, PE (ABMB) – NEPA Discussion**
 - Purpose and Need
 - Environmental Streamlining issues
 - Cooperating / Participating Agencies
 - Establish Project Communication patterns
 - Environmental Information Sharing
 - GIS data sharing
 - Set Field Trip Agenda



Tupelo Mississippi
Planning & Environmental Study
Railroad Relocation

**TUPELO RAILROAD RELOCATION
PLANNING AND ENVIRONMENTAL STUDY
AGENCY SCOPING MEETING
TUPELO, MISSISSIPPI
August 14, 2006; 1:00 pm**

SIGN-IN SHEET

Name / Agency	Address	Phone / Fax	E-mail
STENNIS YOUNG / Natchez Trace Parkway		662-680-4005	
D. CRAIG SCURBLE FIELD	NATCHEZ TRACE	662-680-4004	
Ntale Kajumba	1338 Bluefield Dr	(404) 562-9620	kajumba.ntale@epa.gov
DAVID RUMBARGER	300 West Main	662-620-0805	rum@cdfns.org
Emily Le Coz	1242 Green	662-678-1588	emily.lecoz@djournal.com
Cecil Vick	666 North St. Jackson, MS	601-965-4217	Cecil.vick@fwa.dot.gov
John Winkle	1120 Vermont Ave NW	202/493-6067	JOHN.WINKLE@FRA.DOT.GOV
Caribon Barnwell	401 North West Jackson MS	601 359 7920 7355	C.Barnwell@MDOT.STATE.MS.US
LaVelle	8605 Hartsfield Way Columbus TN 38138	901-759-1864	wmsnfteh@bellsouth.net
Paul Brackington	6611 Big Circle Suite 224 Norcross GA 30071	770 662-5807 x11	paul@brackington.org
Patricia Stallings	"	" x32	patriciastallings@brackington.org



2006-08-03 USFS Coop agency decline.txt

From: Thurman, Kim [kthurman@mdot.state.ms.us]
Sent: Thursday, August 03, 2006 3:18 PM
To: Parrish, Wayne; Joce Pritchett
Subject: FW: railroad realignment project in Tupelo

FYI

Kim

Kim D. Thurman
Environmental Manager
Mississippi Department of Transportation
Phone: (601) 359-7922
Fax: (601) 359-7355
e-mail: kthurman@mdot.state.ms.us

-----Original Message-----

From: Don R Neal [mailto:donneal@fs.fed.us]
Sent: Thursday, August 03, 2006 1:58 PM
To: john.winkle@dot.gov
Cc: Thurman, Kim; Barnwell, Claiborne; Antoine L Dixon; R E Vann; Gerald D Lawrence;
John Baswell; Vick, Cecil; Don R Neal
Subject: railroad realignment project in Tupelo

John,
I have reviewed the Tupelo Railroad Relocation Planning and Environmental Study CD and discussed the project with Kim Thurman (MDOT). The realignment alternatives in Tupelo are well outside the proclaimed boundaries of the Tombigbee National Forest and Holly Springs National Forest. The Forest Service does not need to be established as a Cooperating Agency to this proposed project. I appreciate your contact with me on this project.
Thanks, Don

Richard D. (Don) Neal
Staff Officer
Fire/Safety/Lands/Minerals
100 W. Capitol St.
Suite 1141
Jackson, MS 39269
(601) 965-4391 office
(601) 209-4764 cell
(601) 965-5524 Fax
donneal@fs.fed.us



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mississippi Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213

August 10, 2006

Mr. John Winkle
Federal Railroad Administration
400 Seventh St. S.W.
Washington, D.C. 20590

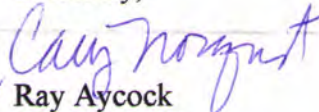
Dear Mr. Winkle:

The U.S. Fish and Wildlife Service (Service) has received your letter dated August 4, 2006, requesting our assistance as a cooperating agency in the development of an Environmental Impact Statement for the proposed rail line relocation project in Tupelo, Lee County, Mississippi.

The Service agrees to be a cooperating agency for this project. We will provide fish and wildlife resources information; review all environmental documents, and will participate in coordination meetings as they relate to the rail line relocation project

Thank you for the opportunity to participate in the planning and development of this project. If you have any questions, please contact David Felder in our office at 601-321-1139.

Sincerely,

for 
Ray Aycock
Field Supervisor



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Natchez Trace Parkway
2680 Natchez Trace Parkway
Tupelo, Mississippi 38804



L7617 (NATR)
xA3823

AUG 15 2006

Mr. Mark E. Yachmetz
United States Department of Transportation
Federal Railroad Administration
400 Seventh St., S.W.
Washington, DC 20590

Dear Mr. Yachmetz:

This is in reference to your letter dated August 1, 2006, and the Public Scoping Meetings on August 14 – 15, 2006, concerning the Environmental Impact Statement (EIS) for relocation of the BNSF and the Kansas City Southern Railroads running through Tupelo, Mississippi.

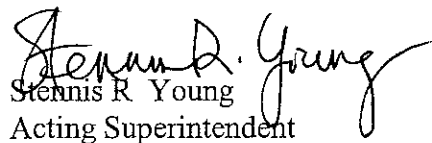
The railroads are being proposed for relocation to alleviate vehicular traffic congestion through Tupelo due to the frequency of rail traffic through the center of the city. As suggested, the Natchez Trace Parkway is requesting to be listed as a Cooperating Agency in development of the EIS, as the alternatives must interface with the Parkway motor road in all of the proposed crossings. We request a detailed analysis of how each alternative will impact the resources of the Natchez Trace Parkway, as well as the scenic viewshed.

In the preliminary scoping meetings, numerous alternatives were presented that require new rail crossings of the Natchez Trace Parkway. Only one alternative (Alternative C) utilizes an existing crossing. We would like to go on record in support of Alternative C, because it has the least impact on the Natchez Trace Parkway and the Parkway's viewshed. Alternative D has the most impact on the Parkway, as the alignment could impact the Historic Tupelo Homesteads, the Parkway Headquarters/Visitor Center, and a segment of the Natchez Trace National Historic Trail as well. Alternatives B, D, E, and F all require new crossings of the Parkway, which will severely impact the Parkway motor road and its viewshed.

Because the Natchez Trace Parkway in its entirety is eligible for inclusion on the National Register of Historic Places and is a unit of the National Park Service, we feel that Section 4 (f) of the National Environmental Policy Act (NEPA) applies to all of the proposed crossings of the Parkway. We feel that only Alternative C is a viable alternative because it utilizes an existing crossing and thus has the least impact to the Parkway.

Thank you for allowing us to be a Cooperating Agency in development of the EIS. We look forward to working with you to minimize the impacts to the Natchez Trace Parkway. Should you require additional information, please feel free to contact D. Craig Stubblefield, Chief of Resource Management, at (662) 680-4004.

Sincerely,


Stennis R. Young
Acting Superintendent

cc: John Winkle, USDOT, Washington, DC
Claiborne Barnwell, MDOT, Jackson, MS
Cecil Vick, FHWA, Jackson, MS
Wayne Parrish, MDOI, Jackson, MS



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
Mississippi Division
666 North Street, Suite 105
Jackson, Mississippi 39202

IN REPLY REFER TO
HRW-MS

August 24, 2006

Mr. Mark E. Yachmetz
Associate Administrator for Railroad Development
Federal Railroad Administration
400 Seventh St., SW
Washington, DC 20590

Dear Mr. Yachmetz:

Subject: EIS, Rail Line Relocation
Tupelo, Mississippi

As requested in your letter of August 1, 2006, the Mississippi Division of the Federal Highway Administration accepts your invitation to be a cooperating agency in the development of an Environmental Impact Statement for the proposed rail line relocation project in Tupelo, Mississippi. Your point of contact at the Division for this project should be: Cecil W. Vick, Jr., Project Development Team Leader, 601/965-4217, cecil.vick@fhwa.dot.gov.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'AH Hughes'.

Andrew. H. Hughes
Division Administrator

cc: W. Parrish, 85-01
File: Tupelo Rails

CWVICK:cv





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

August 25, 2006

U.S. Department of Transportation
Federal Railroad Administration
1120 Vermont Ave., N.W. (7th Floor)
Washington, DC 20005
Attn: Mr. John Winkle

Subject: Participation of EPA, Region IV as a Cooperator in the Preparation of a
Draft Environmental Impact Statement (DEIS) for the Tupelo Railroad Relocation

Dear Mr. Winkle:

This is in reference to your subject request of August 1, 2006, for assistance in the development of the above EIS. In accordance with the Federal Railroad Administration's request under 40 CFR Part 1501.6, EPA agrees to be a Cooperating Agency in the preparation of the DEIS on the basis of its special expertise in environmental areas. In the past we have been able to assist in activities associated with the scoping process, participate in site inspections of the subject area, and help in the development of some aspects of the study plan (e.g., alternatives analysis, water resources, and environmental justice). The level of our participation may be constrained by staff and travel resources.

Furthermore, EPA will be able to provide review and comment on preliminary documents above and beyond our normal responsibilities. Of course, any involvement as a cooperating agency will not negate our responsibilities pursuant to Section 309 of the Clean Air Act, Section 102 (2)(C) of the National Environmental Policy Act, and the Clean Water Act. With these general qualifications we are willing to provide assistance.

When we can be of further assistance in this matter, Ntale Kajumba (404-562-9620) will serve as initial point of contact.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz Mueller", is written over a horizontal line.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Attachment

MOA with MDOT and FHWA

I. Introduction and Purpose

The Federal Railroad Administration (FRA), in cooperation with the Mississippi Department of Transportation (MDOT), has begun an Environmental Impact Statement (EIS) for a proposed rail relocation in Tupelo. Five potential rail corridors were developed for consideration in the DEIS.

The document will address various environmental impacts associated with selected alignments. EPA's review of a prospective NEPA document will consist of an examination of the proposed projects environmental impacts on the water quality, air quality, hazardous waste, natural resources and socioeconomic issues.

The purpose of this Memorandum of Agreement (MOA) is to establish an understanding between FRA, MDOT, and the U.S. Environmental Protection Agency (EPA) regarding certain conditions and procedures to be followed in the proposed cooperation.

In accordance with the FRA's request under 40 CFR Part 1501.6, EPA agrees to be a Cooperating Agency in the preparation of the EIS on the Basis of its special expertise in environmental areas. Specifics in this regard will be determined during staff contacts.

The parties intend that the development and the preparation of the information provided for the EIS will satisfy the requirement of National Environmental Policy Act (NEPA).

II. General Provisions

1. FRA and MDOT shall act as the lead agency and shall be responsible for assuring compliance with all applicable requirements of NEPA and other pertinent regulations. FRA and MDOT, with consultation, advise, and assistance from EPA
2. FRA and MDOT will consider any additional alternatives developed by EPA during preparation of the EIS.
3. EPA, as a cooperating agency, will assist in scoping, development of alternatives, participate in site investigations, and other areas to be determined. EPA has the right of concurrence on language in the EIS on all matters relating to its input.
4. The EIS will include a complete review of alternatives considered by the FRA and MDOT including the criteria used in alternative selection and the relative environmental impacts of alternatives.
5. EPA retains its review or comment authority over the EIS under Section 309 of the Clean Air Act.

6. An EPA representative may attend interagency meeting and other meetings (i.e., public hearings and tribal meetings), and will be available to respond to inquiries, correspondence, etc., pertinent to any information prepared by EPA.

7. EPA NEPA Program Office will coordinate and share draft environmental documents and request feedback from other relevant EPA program offices.

Harry Lee James
Deputy Executive Director/
Chief Engineer

Brenda Znachko
Deputy Executive Director/
Administration



Larry L. "Butch" Brown
Executive Director

Ray Balentine
Director
Office of Intermodal Planning

Willie Huff
Director
Office of Enforcement

P. O. Box 1850 / Jackson, Mississippi 39215-1850 / Telephone (601) 359-7249 / FAX (601) 359-7110 / GoMDOT.com

June 29, 2007

Honorable Roger Wicker
First District, Mississippi
United States House of Representatives
2350 Rayburn House Building
Washington, DC 20515

Subject: Tupelo Railroad Relocation Planning and Environment Study

Dear Congressman Wicker:

Thank you for calling Mr. Jim Lee of HDR, Inc., our consultant project manager for the Tupelo study. Jim related your comments and questions about the project to us, and has provided the information below. We appreciate very much all your support for the project, and especially your continuing interest. We have scheduled a public meeting on the project for July 12, 2007, from 4 p.m. to 6:30 p.m., at the Bancorpsouth Center. I know how busy you are right now with mark-ups and other actions, but you or anyone from your offices are cordially invited. Please let me know if you need any additional information. The responses to your questions follow below.

Question #1: Please provide cost estimates for the US-78 Alternative

The US-78 Alternative (High Alternative) that was considered by HDR is depicted in the attached Figure 8. As envisioned, this Alternative would run adjacent to the north right-of-way line of US-78 from the existing BNSF Railroad and cross the Natchez Trace at the existing interchange. It would head south, crossing US-78 just before reaching Gloster Street, cross over Gloster Street, US-45, and KCS Railroad at an angle and then cross Main Street near its interchange with US-45 and head due south to existing BNSF.

Key points about this Alternative are:

- Estimated cost - \$505 Million
- Complete reconstruction of interchange with Trace and US-78 is required, and removal of the northern ramps may be required due to the location of railroad.
- Reconstruction of US-78 and US-45 interchange required. Crossing of rail (1st level) on those roadway facilities (2nd and 3rd levels) would be at an extreme skew angle and would require unique structures.
- Since US-78 is designated as a future interstate corridor (I-22), and due to anticipated railroad requirements, the proposed corridor would require separate right-of-way for the rail. Since railroads has significantly more stringent



geometric criteria over roadways, significant right-of-way would have to be acquired due to uneconomical remainders of land parcels remaining based upon larger roadway curves.

- Due to flood plain, much of the corridor will need to be elevated east of the Natchez Trace.

Question #2: For the In-town Option, did HDR look at depressing or tunneling the BNSF Railroad instead of elevating it? How long is the bridge structure for the elevated option in-town?

Generally, from HDR's experience, the cost of depressing a railroad is more expensive than elevating it.

Elevated Railroad Alternative:

- Estimated Cost - \$407 Million.
- Bridge structure length is approximately 12,000 ft. The length may be shortened using sections of fill material, slopes and retaining walls.
- 12 at grade railroad crossings would be alleviated along the BNSF. No KCS crossings would be grade separated.
- Elevating the rail allows the current operation to continue during construction.
- It is anticipated that minimal new right-of-way is required along the existing corridor. The locations of the new right-of-way will be determined as the alternative is studied in more detail.
- Elevating the railroad is more acceptable to the railroad and the City of Tupelo as discussed in meetings held on June 11, 2007 with Mayor Neelly and the Tupelo Thoroughfare Committee.

Depressed Rail Alternative:

- Significant retaining walls would be required. Emergency accesses would be required from above and below. Protection measures such as guardrail, barrier wall, fencing, etc. would be mandatory so that people / vehicles / debris are prevented from falling into U-shaped hole and disrupting railroad service. The use of side slopes would be preferred to alleviate some of these concerns, but may require up to 200 feet of new R/W through town.
- A separate and temporary corridor would be required to maintain railroad traffic while depressed corridor is constructed. This would require significant right-of-way either adjacent to the existing corridor or for a new corridor.
- Since the depth of the rail would be approximately 30 feet below existing ground to provide clearance under the existing roadways, it is anticipated that the depth is below the existing groundwater table. If the rail is below the existing groundwater table, it may require pumping or other measure to maintain positive drainage. This is typically unacceptable to railroads due to the liability of flooding tracks and shutting down their operation.

- As previously discussed, every roadway crossing would require a bridge structure. The bridge structure would require guardrail, barrier wall, fencing and retaining walls which will add to the construction costs. In addition, the length of these safety features may impact the adjacent roadway network.
- Depressing the BNSF rail would require the switching yard with KCS to be partially depressed as well. Since the existing yard is located within an existing floodplain, this will be extremely difficult with drainage, permitting and maintaining rail operations.

Question #3: How long is the bridge structure currently being constructed in Olathe, Kansas? What is the cost? What is the population of Olathe, Kansas?

Through preliminary research, we have assembled the following information regarding the Olathe, Kansas Railroad Bridge as shown in the attached figures:

- Length – 3,000 feet
- Cost - \$40 Million.
- Population – 75,000 People.
- At-grade crossings improved – Four (4)
- Bridge structure – Partial Fill, Partial Span.

If you have any other questions or concerns regarding the project, please contact me or the project manager for this study, Mr. Wayne Parrish, at telephone number (601) 359-7910 or via email at wparrish@mdot.state.ms.us.

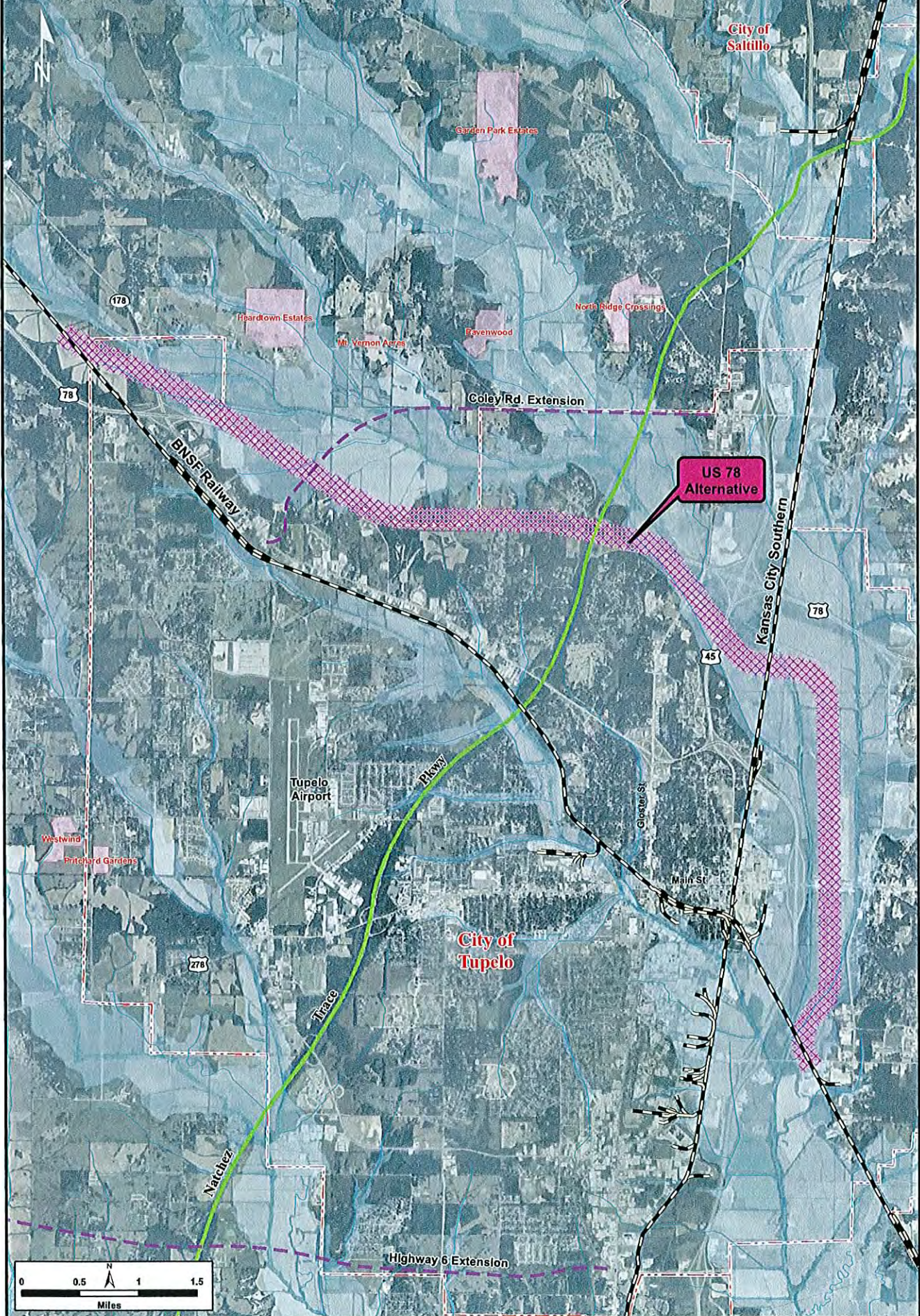
Sincerely,



Larry L. Brown
Executive Director

LLB:GWP:gwp

Attachment



LEGEND

- Railroad
- City Boundary
- Natchez Trace Pkwy
- Subdivision
- River / Stream
- FEMA Floodplain
- Proposed Road

**Tupelo Mississippi Railroad Relocation
Planning & Environmental Study**

**US 78
Alternative
Figure
8**









IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Natchez Trace Parkway
2680 Natchez Trace Parkway
Tupelo Mississippi 38804

JUL 16 2007



L3215, N4615, L7617 (NATR)
xA3823, L303D

Mr Wayne Parrish
Director of Freight, Rails, Ports and Waterways
Mississippi Department of Transportation
P.O. Box 1850
Jackson, Mississippi 39215

Dear Mr Parrish:

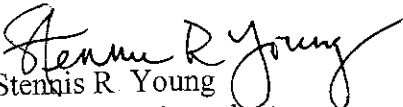
This is in reference to your letter dated June 28, 2007, and the Public Scoping Meeting on July 12, 2007, concerning the Environmental Impact Statement (EIS) for relocation of the BNSF Railroad running through Tupelo, Mississippi.

The BNSF Railroad is being proposed for relocation to alleviate vehicular traffic congestion due to the frequency of rail traffic through the center Tupelo. In the July 12th scoping meeting, numerous alternatives were presented that require new rail crossings of the Natchez Trace Parkway. Only Alternatives A and M utilizes an existing crossing. We would like to go on record in support of Alternative A (No Build) or Alternative M (Elevate the Existing Track) because it has the least impact on the Natchez Trace Parkway and the Parkway's viewshed. Alternative L (Parallel with Coley Road Extension) has the most impact on the Parkway being as the alignment would severely impact the scenic viewshed of the Parkway visitors, and a segment of the Natchez Trace National Historic Trail as well. Alternative K (Coonewah Creek) would also require a new crossing of the Parkway which will impact the Parkway motor road and the viewshed of the Natchez Trace Parkway.

Being as the Natchez Trace Parkway in its entirety is eligible for inclusion on the National Register of Historic Places and is a unit of the National Park Service, we feel that Section 4 (f) of the National Environmental Policy Act (NEPA) applies to all of the proposed new crossings of the Parkway. We feel that only Alternative M of the action alternatives is a viable alternative because it has the least impact to the Parkway because it utilizes an existing crossing.

Thank you for allowing us to be a Cooperating Agency in development of the EIS. We look forward to working with you to minimize the impacts to the Natchez Trace Parkway. Should you require additional information, please feel free to contact D. Craig Stubblefield, Chief of Resource Management, at (662) 680-4055.

Sincerely,


Stennis R. Young
Acting Superintendent

cc: Kim Thurman
Mississippi Department of Transportation
Environmental Division
P.O. Box 1850
Jackson, Mississippi 39212



TIMOTHY J. HUYA
Manager Public Projects
(States of LA, MS and TX)

BNSF Railway Company

5800 North Main Street
Fort Worth, Texas 76179

RECEIVED

817-352-2902
817-352-2912 Fax

Tim.Huya@BNSF.com

NOV 26 2007

November 16, 2007

HDR ENGINEERING, INC
JACKSONVILLE, FLORIDA

G. Wayne Parrish
Director, Freight, Rails, Ports and Waterways
Mississippi DOT
P.O. Box 1850
Jackson, MS 39215-1850

RE: Tupelos, MS Railroad Relocation Study – BNSF Preferred Alternative

Mr. Parrish:

Please reference our previous discussions and meetings regarding the proposed alternatives for the Tupelo, MS railroad relocation study.

BNSF has reviewed the State's alternatives and prefers the "Railroad Fly-over option" which also includes the new connection track with KCS south of the City. Attached is a summary page of notes for the proposal with BNSF comments and requirements for planning purposes.

Please review this information and advise if you have any questions.

BNSF looks forward to working with the State and the City on this project.

Sincerely,

Timothy J. Huya
Manager Public Projects

File: Tupelo, MS – RR Relocation Study

✓ Cc: Larry Romain (HDR) – Jacksonville, FL

TUPELO, MS RAILROAD RELOCATION STUDY - BNSF PREFERRED ALTERNATIVE (11/16/07)

A) Railroad Fly-over (MP 586.47 to 588.69) – 100% Agency Cost (~\$225M as of 5/03/07)

- a. ½-mile maximum grade of 1% on each end of RR Bridge
- b. 2 ½-mile RR Bridge
 - i. Use concrete I-beams (typical)
 - ii. Use Thru-plate Girder Sections across longer spans (i.e. Crosstown Intersection)
- c. Results in 9 at-grade crossing closures via 9 new underpasses (MP 586.79-588.64)
 - i. Underpasses at W. Jackson St, Blair St, Jefferson Ave, Park Ave, Gloster/Main St, S. Church St, S. Greene St, S. Spring St, and Elizabeth St
- d. Construction Sequence:
 - i. Agency to relocate RR Customer @ MP 588.35 (CLIC 3410) south of town
 - 1. Agency to construct subgrade
 - 2. Agency to meet Industry off-loading requirements/specs
 - 3. Agency/BNSF to construct new industry track
 - ii. Construct shoo-fly main track on 25-foot temporary alignment – south/west of existing MT.
 - 1. Agency to construct subgrade
 - 2. BNSF to construct track section
 - 3. BNSF to install new crossing surfaces
 - 4. BNSF to modify/relocate or install new crossing/wayside signals
 - iii. Agency to construct 2-track structure
 - 1. BNSF to provide railroad flagging.
 - 2. BNSF to provide Bridge Inspection via engineering/consultant firm
 - 3. Structure to have escape stairs for train/MOW and EMS access
 - a. Located at 1,000-foot intervals (typical)
 - b. Stairs to have 2-lock system at ground-level door/gate
 - 4. BNSF to construct single main track on structure
 - 5. Agency to construct handrails/fencing on structure
 - a. Solid or fine-mesh to prevent lignite pellets, etc. from falling
 - b. Height of fencing to be determined
 - iv. Agency to construct RR Access Road entire length of Structure
 - 1. 12-foot wide roadway
 - 2. Controlled-access gates at each former street intersection
- e. Maintenance Responsibilities
 - i. Agency to own and maintain structure (including the deck)
 - 1. Agency to perform 2 inspections per year and submit reports to BNSF Structures Department
 - ii. BNSF to maintain walkways and handrails
 - iii. BNSF to maintain from ballast section up to and including track section.
- f. BNSF not interested in Agency's proposed Hike/Bike Trail
- g. BNSF to retain existing ROW width, but could consider future landscaping needs

B) New BNSF-KCS Connection Track

- a. Estimated at \$71M
- b. Proposed 6-degree curve is acceptable to BNSF
- c. Proposed 3 yard tracks @ 3,300 feet each are acceptable to BNSF
 - i. Track Centers to be 25-ft
 - ii. North end yard tracks @ MP 589.10 and South end @ MP 589.63
- d. Main Track turnouts to be No. 15's
- e. Eason Avenue (MP 589.64) crossing will be closed via new overpass
- f. Agency to construct new RR yard office (~1,000 SF)
 - i. Parking lot
 - ii. Driveway
- g. Agency to acquire all necessary ROW and deed back to Railroads
- h. New connection track to parallel west side of MT (from US Hwy 45 to Eason Road) and tie-in to MT at south-end of yard tracks @ MP 589.63 (Eason Road)
- i. Agency to construct MOW Access Road from Eason Avenue (north & south)

Public Involvement Record Sheet

Tupelo Railroad Relocation EIS



Date of Meeting	February 5, 2008
Location of Meeting	Natchez Trace Parkway offices, Tupelo, MS
Meeting Style	Conference style meeting
Duration of meeting	About 1 hour
Parties involved	MDOT: Claiborne Barnwell, Kim Thurman Natchez Trace Parkway Officials
Exhibits Used	
Original Objective	Discuss the 2 proposed build alternatives with the Natchez Trace
Accomplishment	The Natchez Trace Parkway's position remains the same. They prefer Alternative M.
Summary of Meeting	<p>The City of Tupelo has met with the Natchez Trace Parkway about the Coley Road Extension and it seems that the issues with the ROW have been worked out to move forward with the City's plan. However, the Natchez Trace Parkway informed the City that they would require an EA for the Natchez Trace Parkway Crossing and the EA would determine the best location to cross the Parkway not where the ROW has been negotiated. Based on our conversation with the Natchez Trace Parkway, the City has hired ESI, Inc., to conduct the EA.</p> <p>We discussed the possible of the elevated rail structure being double tracked and the Natchez Trace Parkway raised an issue about bridge width. We will need to assess whether or not the existing Natchez Trace Railroad Bridge has the width to accommodate double tracks. We need to assess this soon.</p>

The purpose of this document is to serve as a record of meetings and Public Involvement held for the Tupelo Railroad Relocation EIS.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mississippi Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213

February 11, 2008

Mr. Claiborne Barnwell
Environmental Division Engineer
Mississippi Department of Transportation
Post Office Box 1850
Jackson, Mississippi 39215

Dear Mr. Barnwell:

The U.S. Fish and Wildlife Service (Service) has reviewed the information in your letter dated February 1, 2008, regarding the proposed Tupelo Railroad Relocation Project in Lee County, Mississippi. Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

One federally protected plant could be found within the proposed project area. The threatened plant Price's potato bean (*Apios priceana*) is an herbaceous, twining vine that belongs to the pea family. Populations typically occur in open woods and woodland edges in limestone areas, often where bluffs grade into creek or river bottoms. Several populations extend onto roadside or powerline rights-of-ways. There are only four known populations within Mississippi, with one being located off Highway 6 near Bissell. We recommend that Alternative L be surveyed for the presence of this species. Please forward the results of your survey so that section 7 consultation may be completed for the Tupelo Railroad Relocation Project.

If you have any questions, please contact our office, telephone: (601) 321-1139.

Sincerely,

David Felder
Fish and Wildlife Biologist

United States Department of Agriculture



Natural Resources Conservation Service
Tupelo Field Office
3098 Cliff Gookin Blvd. Suite 1
Tupelo, MS 38801-7005
Phone: (662) 680-9991 ext. 3
FAX: (662) 844-2036

March 19, 2008

Kristi Walski Hall, Environmental Scientist
ABMB Engineers, Inc.
700 North State Street Suite 300
Jackson, MS 39202

Dear Ms. Hall:

I have reviewed the proposed build alternatives for the Tupelo Railroad Relocation Study, specifically "Alternative L" and "Alternative M". There are no known USDA program easements (Conservation Reserve Program – CRP, Grasslands Reserve Program -- GRP, or Wetland Reserve Program – WRP) along either proposed route. The Farmland Protection Policy Act (FPPA) does not apply to land within municipal boundaries or along existing rights of way, which is the case for *Alternative M*. There are prime and unique farmlands along the proposed *Alternative L* outside the municipal boundaries of Tupelo that would require a form AD-1006 *Farmland Conversion Impact Rating*.

Proposed routes immediately adjacent to or that cross over Town Creek or Kings Creek may be subject to existing permanent easements held by the Town Creek Master Water Management District. These easements range from 125 to 350 feet in total width. David Sparks, General Counsel for the District would be your contact person relative to these easements. He may be reached by phone at 662-842-0261 or by mail at P.O. Box 716, Tupelo, MS 38802.

Please contact me if additional information or assistance is needed.

Sincerely,

A handwritten signature in dark ink that reads "Dan Bagley". The signature is fluid and cursive, with the first name "Dan" and last name "Bagley" clearly legible.

Dan Bagley
District Conservationist

C: Bebe Yarbrough, Civil Engineer
USDA, NRCS Project Engineer Office
Tupelo, MS

David Sparks, General Counsel
Town Creek Master Water Management District
P. O. Box 661
Tupelo, MS 38802



Jena Band of Choctaw Indians

P. O. Box 14 • Jena, Louisiana 71342-0014 • Phone: 318-992-2717 • Fax: 318-992-8244

May 19, 2008

U. S. Department of Transportation
Federal Railroad Administration
ATTN: MR. JOHN WINKLE
1200 New Jersey Ave, SE
Washington, DC 20590

**RE: PROPOSED TUPELO, MISSISSIPPI, RAILROAD RELOCATION
PROJECT**

To Whom It May Concern:

Reference is made to your letter dated April 29, 2008, concerning the above-proposed project.

After thorough review of the documents submitted, it has been determined that there will be no significant impact in regards to the Jena Band of Choctaw Indians.

Should you have any questions, please feel free to call me.

Sincerely,

A handwritten signature in cursive script that reads "Lillie McCormick".

Lillie McCormick
Environmental Director
Jena Band of Choctaw Indians
318-992-8258
lstrangejbc@centurytel.net

Public Involvement Record Sheet

Tupelo Railroad Relocation EIS



Date of Meeting	September 9, 2008
Location of Meeting	Mayor's office, Tupelo, MS
Meeting Style	Conference style meeting
Duration of meeting	About 1 hour
Parties involved	MDOT: Claiborne Barnwell, Bill Jamison, John Underwood HDR: Jim Lee, Chad Luedke, Carnot Evans ABMB: Joce Pritchett, Eric Jefferson, Wendel Ruff (See attached sign-in sheet)
Exhibits Used	Powerpoint presentation handout
Original Objective	Update the Mayor on the progress of the project and upcoming deadlines
Accomplishment	
Summary of Meeting	<p>Jim Lee presented the update on the history and development of the project, which is an attempt to address the traffic delay problems in Tupelo resulting from the BNSF and KCS at-grade crossings such as Crosstown. From the feasibility study performed by HDR and ABMB and the public meetings conducted to date, three build alternatives emerged for consideration:</p> <p>Alt. K – The “Coonewah Creek” Alternative Alt. L – The “Coley Road” Alternative Alt. M – The “In-town” elevated rail Alternative</p> <p>Alt. K was dismissed due to anticipated significant cultural and archeological impacts, opposition from the National Park Service to a new crossing of the Natchez Trace Pkwy, and BNSF objection that the route was too long.</p>

The purpose of this document is to serve as a record of meetings and Public Involvement held for the Tupelo Railroad Relocation EIS.

	<p>Alt. L received negative feedback from the Thoroughfare Committee which feared that it would jeopardize their negotiations with property owners along the new Coley Road Extension route who have agreed to transfer property for Right-of-Way to build the new roadway project in exchange for new access.</p> <p>Alt. M is considered the preferred option based on public comment and relatively fewer impacts on the human and natural environment and support from National Park Service, the City, and both railroads.</p> <p>Due to the potential cost, the project could be phased with the operational improvement at the KCS switching yard being the first phase of construction.</p> <p>A “rails-to-trails” concept to convert the proposed temporary track that would be built prior to construction of the elevated structure to a multi-use path for the City of Tupelo was suggested during the last meeting with the Community Development Foundation (CDF). The railroad has concerns about liability resulting from having a public park or trail adjacent or near to its structure. Decorative fencing between the trail and the viaduct is one option that has been discussed to reduce incursions. Mr. Barnwell suggested that the walk be placed on the south and west side of the alignment away from the backyard of adjacent residences.</p> <p>The Mayor stated his pleasure with the project and the preferred alternative, especially with the placement of the Toyota plant and the anticipated increase in freight rail traffic in the coming years. He also liked the multi-use path idea.</p> <p>Jim and Claiborne mentioned that former MDOT staff member Wayne Parrish thought there was a federal rail reconstruction fund available that could be tapped for this project, but it would required congressional assistance to be secured.</p> <p>The City engineer asked about the expected schedule. Claiborne’s response was that the environmental phase must be completed first, which is anticipated by the end of 2009, and that a funding source must then be indentified to move into design phase. Wendel Ruff added that funding for the entire project must be secured before project can begin even if it is intended to be phased work. Claiborne then mentioned that the railroads must commit to a fair share of the funding since they receive a significant benefit as users of the viaduct.</p>
--	--

The purpose of this document is to serve as a record of meetings and Public Involvement held for the Tupelo Railroad Relocation EIS.

Action Items	None
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The purpose of this document is to serve as a record of meetings and Public Involvement held for the Tupelo Railroad Relocation EIS.

Public Involvement Record Sheet

Tupelo Railroad Relocation EIS



Date of Meeting	September 9, 2008
Location of Meeting	CDF Boardroom, Tupelo, MS
Meeting Style	Conference style meeting
Duration of meeting	About 1-1/2 hour
Parties involved	MDOT: Claiborne Barnwell, John Underwood, Bill Jamison HDR: Jim Lee, Chad Luedtke, Carnot Evans ABMB: Joce Pritchett, Eric Jefferson, Wendel Ruff (See attached sign-in sheet)
Exhibits Used	Powerpoint presentation handout, Roll Plot of the project concept design
Original Objective	Update the City, CDF, and Natchez Trace on the progress of the project and upcoming deadlines
Accomplishment	
Summary of Meeting	<p>Jim Lee provided a slideshow presentation on the history and development of the project, which is an attempt to address the traffic delay problems in Tupelo resulting from the BNSF and KCS at-grade crossings such as Crosstown. From the feasibility study performed by HDR and ABMB and the public meetings conducted to date, three build alternatives emerged for consideration:</p> <p>Alt. K – The “Coonewah Creek” Alternative Alt. L – The “Coley Road” Alternative Alt. M – The “In-town” elevated rail Alternative</p> <p>Alt. K was dismissed due to anticipated significant cultural and archeological impacts, as well as opposition from the National Park Service to a new crossing of the Natchez Trace Pkwy and BNSF objection that the route was too long.</p>

The purpose of this document is to serve as a record of meetings and Public Involvement held for the Tupelo Railroad Relocation EIS.

	<p>Alt. L received negative feedback from the Major Thoroughfare Committee which feared that it would jeopardize their negotiations with property owners along the new Coley Road Extension route who have agreed to transfer property for Right-of-Way to build the new roadway project.</p> <p>Alt. M is considered the preferred option based on public comment and relatively fewer impacts on the human and natural environment and supported by the railroads.</p> <p>Commenting on archeological impacts, John Underwood explained the history of settlements by the Chickasaw around the Coonewah, Town Creek, Kings Creek drainage basins. These areas have been known to be rich with artifacts and it is generally anticipated the alternatives would have negative impacts on cultural resources. However, Alternate M is considered to have the least impacts on cultural or archeological artifacts since it follows an existing route that has already been significantly disturbed.</p> <p>Patricia Stallings then mentioned that the Mill Village and South Church Street area are historical districts which would receive significant visual impacts from Alternative M. Brockington intends to work w/MDOT to determine the impacts to these historical districts.</p> <p>Representatives from the National Park Service were generally supportive of Alt. M because it did not include a new crossing of the Natchez Trace Parkway and commented on the importance of creating visual appealing structure.</p> <p>Shane Holman reiterated his comments that he would prefer structure over walls. He also added there could be opportunities resulting from this project to redevelop the brownfield sections in industrial areas downtown that could benefit from an attractive structure.</p> <p>John B asked if the temporary track could be reused as local trolley connection by the City. Claiborne replied that it could be considered but thought there may be liability issues with a trolley track located next to walking trail, in addition to the liability issues that need to be considered for the elevated railroad being adjacent to the multi-use path. Shane Holman suggested that the City should assume ownership of R/W to resolve liability issues, which would allow the City the flexibility to develop land below the structure for a multi-use path. He mentioned a "Rail banking" process/mechanism could be used</p>
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The purpose of this document is to serve as a record of meetings and Public Involvement held for the Tupelo Railroad Relocation EIS.

	<p>to transfer title of the R/W from railroad to the City.</p> <p>Claiborne stressed the need for a local “champion” to work with the necessary officials to secure financing for the project, as well as assisting in working out legal and liability issues and agreements.</p> <p>Chad Luedtke added that there needs to be an understanding w/ the railroads on who assumes liability and responsibility for maintenance of the viaduct to prevent vandalism that could damage or ruin the structure.</p> <p>Shane also asked if there an environmental impact associated with the trail. His concern is that if the trail is included as part of the recommended design without showing some environmental benefit, the railroad won’t approve or commit to including it as part of the final design. The design team added that the trail was included in the recommendations in response to public comments that suggested it would be beneficial to the City of Tupelo. Ultimately FRA will make the final determination as to whether a trail can be included.</p> <p>The City commented that several old-growth trees were either within or immediately adjacent to the existing R/W and asked how the loss of trees and the green canopy effect created by them was to be mitigated within the railroad R/W. The City suggested that a landscaped trail could mitigate the loss of trees resulting from the viaduct construction. The City is also interested in knowing who would maintain the trail and landscaping? Claiborne responded that the City would likely have to assume maintenance responsibilities since MDOT typically doesn’t include such local projects in its budget.</p> <p>Bill Jamison added that MDOT does not have funds for maintenance of the structure or associated landscaping.</p>
Resolutions	<p>Further discussion with the railroads revealed that the temporary tracks would be removed as part of the construction of the maintenance access road along the entire length of structure (fill or bridge), so the idea of keeping the temporary rail for the use of a trolley was dismissed. Even if the tracks were to remain, the railroads would not want an adjacent active track within 40 feet of elevated structure. The development of a trolley would require a separate environmental study and would not be included in this EIS.</p>

The purpose of this document is to serve as a record of meetings and Public Involvement held for the Tupelo Railroad Relocation EIS.

Action Items	<ul style="list-style-type: none"> • Further coordination with BNSF, KCS, and FRA required regarding the multi-use trail. The City considers the exclusion of a trail a deal-breaker. • Brockington will work w/MDOT to determine the impacts to historical districts. • Maintenance and liability commitments regarding structure and landscaping need to be resolved.
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The purpose of this document is to serve as a record of meetings and Public Involvement held for the Tupelo Railroad Relocation EIS.

Public Involvement Record Sheet

Tupelo Railroad Relocation EIS



Date of Meeting	September 10, 2008
Location of Meeting	Hilton Garden Inn, Oak Room, Tupelo, MS
Meeting Style	Conference style meeting
Duration of meeting	About 2 hours
Parties involved	MDOT: Claiborne Barnwell, Robby Burt HDR: Jim Lee, Chad Luedke, Carnot Evans ABMB: Joce Pritchett, Eric Jefferson, Wendel Ruff (See attached sign-in sheet)
Exhibits Used	August 18 Draft Letters from HDR to BNSF and KCS regarding commitments to the RR by the EIS document, Roll Plot of the project concept design, 11x17 prints of the project
Original Objective	Discuss project issues with the railroad companies, get feedback on the concepts developed for the Alternative M alignment
Accomplishment	
Summary of Meeting	<p>Presentation of railroad improvements was made by Jim Lee in person and by Larry Romaine via conference call.</p> <p>The temporary ("shoo-fly") track would be constructed on the south & west side of the existing tracks, including an at-grade crossing of the KCS.</p> <p>It was mentioned that the CDF wants more structure & less T-wall.</p> <p>BNSF stated that Evergreen wall was preferred to T-wall because Evergreen has fewer problems, but stated that this is a design preference which would be worked out in subsequent phases of this project.</p>

The purpose of this document is to serve as a record of meetings and Public Involvement held for the Tupelo Railroad Relocation EIS.

	<p>BNSF and HDR estimated a possible 1.5 – 2 year timeframe for temporary rail operation.</p> <p>MDOT Doesn't want maintenance responsibility for bridge.</p> <p>BNSF does not want the maintenance responsibility for the bridge or retaining wall as it does not have the expertise or experience in dealing with a structure of this magnitude.</p> <p>BNSF wants to review a final typical section including structure, fence, bike trail, and maintenance road. BNSF also wants a detail included in the concept plans to show how trail & fencing would terminate at the intersecting local roads. BNSF trails policy (BNSF) recommends trail to be 50'-100' from track to edge of trail based on 30 mph train speed. Typically trail should be near the outer edge of R/W.</p> <p>From the 9/9/08 meeting at the CDF, the question was asked if the temporary track could be left in place for future trolley operation:</p> <p>HDR: The temporary track was to be removed as part of construction of the maintenance access road, so it was not planned to remain. Also, the trolley would require a separate study and should not be included in this EIS.</p> <p>BNSF: Tim Huya added that any development by Tupelo within the BNSF R/W would restrict the railroad's ability to expand, which might make BNSF less willing to go along with the idea.</p> <p>BNSF stated that it is typically the railroad policy to resist selling R/W, except as a last resort, and that it is typical for railroad to only grant easements and require liability insurance. With an easement, the BNSF still owns the R/W and can expand. If they sell the R/W, BNSF cannot expand without repurchase. The trail could be built on an easement, the trolley could not.</p> <p>BNSF stated that the interchange track should be built by a contractor to save on construction cost.</p> <p>MDOT suggested that most of the details on liability & property exchanges should be worked out after environmental process.</p> <p>KCS wanted to confirm that the trail would not cross KCS. The trail was planned to run from Lumpkin Ave. to Spring St and not cross the KCS. KCS also stated that they would oppose any trolley crossing of their tracks.</p>
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The purpose of this document is to serve as a record of meetings and Public Involvement held for the Tupelo Railroad Relocation EIS.

	<p>KCS requested that the interchange track connect to their main line and not to the yard track, as originally proposed. KCS would allow for a reduction of the length of the yard tracks to accommodate this intersection.</p> <p>KCS wants north leg of wye to be included in the interchange to allow KCS to continue share agreement to use BNSF tracks to New Albany. HDR is developing a redesign of the interchange yard to include this north wye on the elevated viaduct. The details are still being worked out.</p> <p>KCS also wanted to know about vertical clearance of the structure over the KCS line. KCS would want to elevate their line at the existing diamond location to remove the existing depression required to cross the BNSF at-grade.</p>
Action Items	<p>HDR to revise the response letter and concept drawings to BNSF to reduce the amount of items that may be considered commitments in the EIS document.</p> <p>HDR to write letter to KCS (John Jacobsen) in response to the interchange design comments.</p> <p>Further coordination required between BNSF, MDOT, and the City of Tupelo regarding commitments to maintenance of the structure and landscaping.</p>

The purpose of this document is to serve as a record of meetings and Public Involvement held for the Tupelo Railroad Relocation EIS.



HISTORIC PRESERVATION

Ken P'Pool, director • Jim Woodrick, acting director
 PO Box 571, Jackson, MS 39205-0571
 601-576-6940 • Fax 601-576-6955
 mdah.state.ms.us

March 17, 2009

Mr. Claiborne Barnwell
 MDOT
 Environmental Division
 P.O. Box 1850
 Jackson, Mississippi 39125-1850

RE: Cultural Resources Investigations for the Tupelo Relocation Study, MDAH
 Project Log #02-074-09, Lee County

Dear Claiborne:

We have reviewed the January 2009 cultural resources survey report by Jessica Allgood and F. Patricia Stallings, Brockington and Associates, Inc., received on February 9, 2009, for the above referenced undertaking, pursuant to our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. After review, we concur that construction Alternative 'L' has the potential to adversely affect three National Register-eligible sites (22LE 517, 22LE518 and 22LE922) and that more intensive surveys would likely identify additional NR-eligible archaeological resources. We also concur that in Alternative 'M,' site 22LE1030 is ineligible for listing in the National Register of Historic Places, and that it is unlikely that additional archaeological resources would be encountered during construction of Alternative 'M.'

For the assessment of architectural resources, we concur with Brockington's determinations of eligibility as outlined in Table 4.1 (P. 66) of the report, with the following exceptions. For each of these resources, it is our determination that the properties are eligible for listing in the NRHP, either individually or as contributing resources of a district, and that the proposed undertaking would have an Adverse Effect on each resource.

Resource #	Address/Description	MDAH Determination
081-TUP-0046	314 South Church Street	NRHP Eligible
081-TUP-0049	525 South Church Street	NRHP Eligible
081-TUP-0076	400 South Broadway (Oil & Ice Office)	NRHP Eligible
081-TUP-0079	105 Clark Place	NRHP Eligible
081-TUP-0163	557 Magazine Street	NRHP Eligible
081-TUP-0164	561 Magazine Street	NRHP Eligible
081-TUP-0200	331 Park Street	NRHP Eligible
	308 South Broadway	NRHP Eligible
	319 Church Street	NRHP Eligible
	623 Main Street	NRHP Eligible
	627 Main Street	NRHP Eligible
	123 South Gloster	NRHP Eligible

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MDOT
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218 North Gloster
110 Robbins Street
311 Green Street

NRHP Eligible
NRHP Eligible
NRHP Eligible

Joyner Neighborhood

1163 Woodlawn Street
1162 Woodlawn Street
1159 Woodlawn Street
1153 Woodlawn Street
1151 Woodlawn Street
1149 Woodlawn Street
621 Joyner Avenue
624 Joyner Avenue
City Pool

[illegible]

Gravlee Neighborhood

808 Allen Street
811 Allen Street
901 Allen Street
902-904 Allen Street
903 Allen Street
906-908 Allen Street
923 Blair Street
925 Blair Street
928 Blair Street
1006 Blair Street
1011 Blair Street
1020 Blair Street
1039 Blair Street
1043 Blair Street
1122 Blair Street
1109 Chapman Drive
1111 Chapman Drive
1113 Chapman Drive
1114 Chapman Drive
1115 Chapman Drive
1117 Chapman Drive
1119 Chapman Drive
1125 Chapman Drive
1127 Chapman Drive

[illegible]

1129 Chapman Drive	NRHP Eligible
1131 Chapman Drive	NRHP Eligible
410 Clayton Avenue	NRHP Eligible
1129 Jackson Street	NRHP Eligible
1133 Jackson	NRHP Eligible
1136 Jackson	NRHP Eligible
1142 Jackson	NRHP Eligible
1146 Jackson	NRHP Eligible
1148 Jackson	NRHP Eligible
1149 Jackson	NRHP Eligible
1153 Jackson	NRHP Eligible
1155 Jackson	NRHP Eligible
1157 Jackson	NRHP Eligible
1162 Jackson	NRHP Eligible
1001 Jefferson	NRHP Eligible
330 King Street	NRHP Eligible
331 King Street	NRHP Eligible
333-335 King Street	NRHP Eligible
337 King Street	NRHP Eligible
301 Park Street	NRHP Eligible
303 Park Street	NRHP Eligible
307 Park Street	NRHP Eligible
309 Park Street	NRHP Eligible
323 Rankin	NRHP Eligible
318 Riley Street	NRHP Eligible
321 Riley Street	NRHP Eligible
325 Riley Street	NRHP Eligible
502 Shirley Avenue	NRHP Eligible
503 Shirley Avenue	NRHP Eligible
504 Shirley Avenue	NRHP Eligible
508 Shirley Avenue	NRHP Eligible

For the following resources, we concur with the determinations of eligibility, but do not concur with the consultants' recommendation of effect. Specifically, for each of the properties listed below (on page 4), we do not concur with the finding of Potential Adverse Effect and/or No Adverse Effect. Rather, it is our determination that the proposed undertaking would have an Adverse Effect on each resource.

Resource	Recommendation of Effect	MDAH Determination of Effect
Mill Village HD	Potential Adverse	Adverse Effect
South Street HD	Potential Adverse	Adverse Effect
Carnation Condensary	Potential Adverse	Adverse Effect
317 South Church Street	Not Adverse	Adverse Effect
529 South Church Street	Potential Adverse	Adverse Effect
805 Jefferson Street	Not Adverse	Adverse Effect
812 Jefferson Street	Not Adverse	Adverse Effect
405 Magazine Street	Not Adverse	Adverse Effect
411 Magazine Street	Not Adverse	Adverse Effect
539 Magazine Street	Not Adverse	Adverse Effect
555 Magazine Street	Not Adverse	Adverse Effect
North Tupelo Neigh.	Not Adverse	Adverse Effect
543 Magazine Street	Not Adverse	Adverse Effect
631 Main Street	Not Adverse	Adverse Effect
634 Main Street	Not Adverse	Adverse Effect
637 Main Street	Not Adverse	Adverse Effect
640 Main Street	Not Adverse	Adverse Effect
641 Main Street	Not Adverse	Adverse Effect
646 Main Street	Not Adverse	Adverse Effect
116 North Gloster	Not Adverse	Adverse Effect
208 North Gloster	Not Adverse	Adverse Effect
305 North Gloster	Not Adverse	Adverse Effect
1164 Woodlawn Street	Not Adverse	Adverse Effect
1161 Woodlawn Street	Not Adverse	Adverse Effect
1157 Woodlawn Street	Not Adverse	Adverse Effect
902 Blair Street	Not Adverse	Adverse Effect
1002 Blair Street	Not Adverse	Adverse Effect
1010 Blair Street	Not Adverse	Adverse Effect
1121 Chapman Drive	Not Adverse	Adverse Effect
1123 Chapman Drive	Not Adverse	Adverse Effect
406 Clayton Avenue	Not Adverse	Adverse Effect
1137 Jackson Street	Not Adverse	Adverse Effect
1140 Jackson	Not Adverse	Adverse Effect
1142B Jackson	Not Adverse	Adverse Effect
1150A Jackson	Not Adverse	Adverse Effect
1151 Jackson	Not Adverse	Adverse Effect
1159-1161 Jackson	Potential Adverse	Adverse Effect
826 Jefferson	Potential Adverse	Adverse Effect
911 Jefferson	Potential Adverse	Adverse Effect

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913 Jefferson	Potential Adverse	Adverse Effect
915 Jefferson	Potential Adverse	Adverse Effect
1002 Jefferson	Potential Adverse	Adverse Effect
1005 Jefferson	Potential Adverse	Adverse Effect
1007 Jefferson	Not Adverse	Adverse Effect
1011 Jefferson	Not Adverse	Adverse Effect
1100 Jefferson	Not Adverse	Adverse Effect
1102 Jefferson	Not Adverse	Adverse Effect
312 Park Street	Not Adverse	Adverse Effect
322 Rankin	Potential Adverse	Adverse Effect
326 Rankin	Potential Adverse	Adverse Effect
501 Shirley Avenue	Not Adverse	Adverse Effect
505 Shirley Avenue	Not Adverse	Adverse Effect
510 Shirley Avenue	Not Adverse	Adverse Effect

In addition to these individual properties (all of which are likely contributing resources), it is our determination that the proposed undertaking would have an adverse effect on the Mill Village Historic District, the South Church Street Historic District (as well as an expanded area along Magazine Street), and two potential historic districts (Gravlee and Joyner).

Please provide a copy of this letter to Jessica Allgood and F. Patricia Stallings at Brockington and Associates, Inc. If you have any questions, please let us know.

Sincerely,



Jim Woodrick
Review and Compliance Officer

FOR: H.T. Holmes
State Historic Preservation Officer

c: Clearinghouse for Federal Programs

RECORD OF PUBLIC INVOLVEMENT



Cultural Resource Impacts Discussion

Community Development Foundation Boardroom

300 West Main St., Tupelo, MS

April 14, 2009 at 9 a.m. – 11:30 a.m.

Meeting Notes:

This meeting was held to explain the history of the project, discuss the alternatives considered, present the preferred option, discuss findings in the cultural resources investigation, propose mitigation for impacts to cultural and historic resources along the preferred alternative, and initiate the Section 106 consultation process. The following paragraphs summarize the major items discussed during this meeting.

Eighteen individuals attended the meeting. They represented: the Tupelo Historic Preservation Commission, the Mill Village Historic District, the Oren Dunn City Museum, the City of Tupelo, the Mississippi Department of Transportation (MDOT), the Mississippi Department of Archives and History (SHPO), the Tupelo Community Development Foundation (CDF), HDR, Brockington and Associates, and ABMB Engineers.

After opening remarks by Tupelo Mayor Ed Neelly and MDOT's Environmental Division Engineer, Claiborne Barnwell, Mr. Barnwell asked that each person in attendance introduce themselves. Introductions were made. A sign-up sheet is attached.

Mr. Jim Lee with HDR then explained the purpose of the meeting;

- To summarize the alternative analysis process,
- To review the recent cultural resource assessment,
- To discuss potential options for mitigating adverse effects on historic properties,
- To review 4(f) requirements.

Mr. Carnot Evans with HDR then presented a PowerPoint giving the project history, including the purpose and need for the project. He explained that the process began with a feasibility study. He discussed operational improvements and the development of numerous relocation alternatives. The PowerPoint showed how the location alternatives were analyzed and gradually eliminated as one by one they turned out to have fatal flaws. Finally, the study was left with two alternatives--the "no-build" alternative and a build alternative that would elevate the BNSF railroad through central Tupelo in its present location and within existing railroad Right-of-Way and incorporate operational improvements to relocate the BNSF/KCS interchange yard.

A representative of the Historic Preservation Commission asked where the railroad would be on bridge and where it would be on fill. Mr. Evans explained that railroad would be on fill with retaining walls as it transitioned from ground level to its full height

The purpose of this document is to serve as a record of meetings and Public Involvement held for the Tupelo Railroad Relocation EIS.

RECORD OF PUBLIC INVOLVEMENT



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April 14, 2009 at 9 a.m. – 11:30 a.m.

and between Crosstown and Church Street. In other areas it would be on structure. Approximately 30% of the elevated structure would be on fill.

John Underwood, MDOT's Chief Archeologist, and Patricia Stallings with Brockington and Associates began a discussion of the Section 106 process and how it fits into the process of conducting an environmental impact study. Mr. Underwood concentrated on archeological issues, and Ms. Stallings concentrated on architectural issues.

John Underwood discussed the purpose of the National Environmental Policies Act (NEPA) and the reasons for conducting an Environmental Impact Statement (EIS). His point was that EIS's are conducted when it is known or expected that a project will have significant environmental impacts. Thus, it comes as no surprise that the project adversely affects some National Register listed and eligible properties. He then discussed the National Historic Preservation Act and how it relates to Section 106. This was followed with a discussion of the archeological findings of the project's Cultural Resources Study. Mr. Underwood gave a good explanation of how the American Indian Tribes fit into the process and of the special concerns of the Chickasaw Nation whenever public works projects are undertaken in the Tupelo area.

Patricia Stallings then provided an overview of the results of the architectural investigations. She explained that her firm had surveyed every structure within a 1,000 foot wide swath centered on Alternative M. Within that area she found three properties listed on the National Register—the main house at the fish hatchery, the Mill Village Historic District, and the South Church Street Historic District. There was a discussion of the fact that the Tupelo Historic Preservation Commission considers the Mill Village Historic District to occupy both sides of the railroad while the National Register shows it as only being on one side. Ms. Stallings also showed photographs of Register eligible houses that had been in the historic districts when her original survey was undertaken, but had since been demolished.

John Underwood then described coordination efforts that are underway to resolve the adverse effects of the proposed project on historic properties. MDOT and the Federal Railroad Administration (FRA) have received the SHPO's comments on the effects of the proposed project on historic properties. The SHPO is actively working with MDOT and FRA to minimize and address those effects. MDOT and FRA began coordinating with the Native American Tribes in January, 2007, and that coordination is still underway. The tribes were sent a copy of the latest cultural resources survey in April 2009.

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April 14, 2009 at 9 a.m. – 11:30 a.m.

Following the discussion of ongoing coordination, John Underwood (MDOT) presented a PowerPoint showing conceptual renderings of possible viewsheds in the historic areas after the elevated railroad is in service. The PowerPoint also included photographs of aesthetic treatments used on elevated railroads in other areas. This prompted considerable discussion:

- **Karen Keeney** with the Tupelo Historic Preservation Commission asked why the renderings did not include a railroad service road and fencing of the railroad's right of way. She believes fencing would make the proposed walking trail unusable.
Claiborne Barnwell, MDOT's Environmental Division Engineer, said he did not believe a separate service road would be needed since there would be dual tracks. It should not be necessary to fence the right of way of an elevated railroad. He believes the City and the railroad can negotiate these items to everyone's satisfaction. The final EIS can include firm commitments to such things as a viable walking trail and no right of way fencing. He also said that some members of the public favored a fence between their homes and a walking trail.
- **John Milstead**, Director of Planning with the CDF, said that while the project would have great economic benefits for Tupelo, he believes Tupelo does not wish to sacrifice its communities and culture. He noted that the renderings are not an architectural match for surrounding features like the buildings in Mill Village.
John Underwood replied that environmental studies are limited in their level of detail.
Claiborne Barnwell suggested a charrette or design contest in Tupelo to find ways to blend the elevated railroad into its surroundings.
- **Karen Keeney** said that she believes Tupelo should not celebrate the industrial use of the railroad. She stated that an elevated railroad would completely divide the city into the "right side of the tracks" and the "wrong side of the tracks." The railroad would be the tallest structure in the city and would be visible from a great distance. She fears that commitments to aesthetic design made today would be cut for financial reasons later. She believes an elevated railroad would further cripple economic development in the city core.

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Claiborne Barnwell said that the Commitment Sheet, or Gold Sheet, that MDOT will have in the final EIS assures that guarantees to the public and to agencies will be met. The entire community should decide what aesthetic treatments will be used. The tracks already divide Tupelo and will continue to do so whether they are elevated or not. The number of trains is going to increase, and elevating the tracks will increase traffic safety.

- **Kenneth McGhee** with the Oren Dunn Museum and the Tupelo Historic Preservation Commission said that he fears the view of the railroad will discourage development and the redevelopment of blighted neighborhoods. Based on his observation of elevated trains in Chicago, elevated railroads are noisy and project pollution into the air.

Carnot Evans explained that concrete structures which include rail ballast would be much quieter than the open-deck steel structures in Chicago.

- **Karen Keeney** said that the Historic Commission wants what is best for Tupelo, not what is best for the Natchez Trace Parkway or for the railroad.

Jim Lee pointed out that 80% of the attendees at the project's previous public meetings preferred the elevated structure through the City.

Karen Keeney asked that MDOT and FRA consider upgrading all railroad crossings with crossing arms and construct the operational improvement instead of elevating the railroad. She pointed out that most trains only block local roads for two to three minutes. If upgrading the crossings did not alleviate the congestion and safety problems, additional improvements could be considered later.

Kenneth McGhee asked if, since double tracks are coming, wouldn't some of them be crossing at a given street simultaneously? Would that not reduce delays at crossings?

Jim Lee responded that the increases in train traffic through downtown would increase delays and avoiding those delays was the major purpose and need for undertaking the study.

Cecil Vick with ABMB then discussed 4(f). He gave a history of the regulation and explained how it works. Someone asked if the "no-build" alternative were not a feasible and prudent alternative. Mr. Vick said yes, but only if no other alternatives are viable. He explained that alternatives that do not meet a project's stated purpose and need are not considered feasible and prudent.

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April 14, 2009 at 9 a.m. – 11:30 a.m.

Mayor Neelly presented the City's view of the project. He thinks there is popular support for the project. As fuel becomes more expensive, the costs of delays to commerce and to the public will require consideration of the elevated alternative. Certainly the elevated railroad should be made aesthetically pleasing. The mayor felt that a walking/biking trail would be a great benefit to the City. The mayor knows that not everyone is going to be happy with the proposed solution, but thinks we should proceed with the project, because it is the best solution we have. He said that everyone needs to also consider emergency response times due to delays from the at-grade crossings.

Mr. Underwood then discussed the role of the Memorandum of Agreement (MOA) in the Section 106 process. He explained that it is an agreement between the consulting parties on actions to be taken to avoid, minimize, and mitigate adverse effects on historic properties. As a minimum MDOT, FRA, and the SHPO must agree. The Advisory Council on Historic Preservation can be a party to the MOA if it wishes. John Underwood and Patricia Stallings will be leading the consulting parties through the 106 process. Mr. Underwood thinks visual impacts should be the primary focus. It was noted that of the 2.8 miles of elevated railroad, approximately one mile will be constructed on fill.

Karen Keeney reiterated that the historic districts do not think an elevated railroad is a good solution. They prefer operational improvements and upgrading the crossings with protection devices such as crossing arms. She felt that \$500 million is just too large an expenditure for convenience of travel. She suggested implementing the operational improvements, seeing how well they work, and then considering whether the elevated railroad is really needed. Mr. Barnwell told everyone that the comments received today will be incorporated into the Draft EIS document, which will be made available to the public and interested agencies for review and comment. A public hearing will be held, and decisions will be made based on the outcome of the process.

In response to a question from Ms. Stallings, Jim Woodrick, the SHPO, said that he doesn't believe adding crossing gates and lights would adversely affect historic properties. Mr. Woodrick went on to explain that aesthetic treatments for the proposed structures are not the only potential ways to mitigate adverse effects on the historic properties. Alternative mitigations would include such things as grant programs for rehabilitating endangered historic buildings and funding archeological studies.

The Draft EIS will disclose many of the findings of the study to the public, but to protect individual properties and archeological resources from potential vandalism and theft,

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detailed information regarding the locations and conditions of architectural and archeological resources may not be included as part of the EIS document.

Mr. Barnwell felt that today was a helpful exchange of ideas and reiterated that comments received today will be incorporated into Draft EIS document. He said that that efforts will continue to be made to work with the community and with parties interested in the protection of historic structures as part of the development of the elevated rail alternative concept.

Mr. Barnwell and Mr. Lee thanked everyone attending for their participation, and the meeting adjourned at approximately 11:30 a.m.

The purpose of this document is to serve as a record of meetings and Public Involvement held for the Tupelo Railroad Relocation EIS.

RECEIVED

JUL 06 2009

HDR



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

June 29, 2009

Inland Branch
Regulatory Division

SUBJECT: SAM-2009-00868-CHE; Tupelo Rail Link

Mr. Jim Lee
Sr. Vice President
National Business Class Director – Transportation Planning
HDR Engineering, Inc.
315 East Robinson Street, Suite 400
Orlando, Florida 32801-1949

Ladies and Gentlemen:

We have reviewed the Draft Environmental Impact Statement for the Tupelo, Mississippi Rail Line Relocation Project, and are providing the following comments:

1. If the "build alternative" is selected, a Department of the Army Permit may be required, based on a review of the national wetland inventory maps, and soil data available for the area.

Please contact me at (205) 290-9096 or Casey.H.Ehorn@usace.army.mil if you have questions. For additional information about our Regulatory Program, visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services

Sincerely,

A handwritten signature in black ink, appearing to read "Casey Ehorn", is written over a horizontal line.

Casey Ehorn
Project Manager
Birmingham Field Office
Regulatory Division

cc:

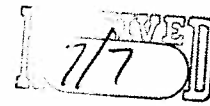
U.S. Department of Transportation
Mr. John Winkle
Transportation Industry Analyst
Federal Railroad Administration
1200 New Jersey Avenue Southeast
Washington, DC 20590

E. Claiborne Barnwell, P.E.
Environmental Division Engineer
Mississippi Department of Transportation
Post Office Box 1850
Jackson, Mississippi 39215-1850



the
Chickasaw
Nation HEADQUARTERS

Arlington at Mississippi / Box 1548 / Ada, OK 74821-1548 / (580) 436-2603



Bill Anoatubby
Governor

Jefferson Keel
Lieutenant
Governor

June 30, 2009

Mr. Mark E. Yachmetz
Associate Administrator for
Railroad Development
Federal Railroad Administration
1200 New Jersey Ave., SE
Washington, D.C. 20590

Dear Mr. Yachmetz:

In your letter dated April 3, 2009 you indicate the Federal Railroad Administration (FRA) and the Mississippi Department of Transportation (MDOT) have narrowed the list for the relocation or reconstruction of railroad lines in the Tupelo, Mississippi central business district to two potential alternatives. Further, you state the environmental impact statement (EIS) revealed that one of those two alternatives may adversely affect three archaeological sites considered eligible for inclusion in the National Register of Historic Places.

We request copies be provided, as soon as possible, for our review as we have not previously been invited to consult nor have we been provided a copy of the EIS or cultural resources survey. Through consultation, commencing at the early stages of project planning, federal agencies are able to develop plans for the treatment of burial sites, human remains and funerary objects that may be inadvertently discovered. Avoidance of historic or prehistoric Chickasaw sites, whether or not they are eligible for listing in the national register, remains our preference for mitigation.

As you are aware, Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to seek agreement with consulting parties on measures to avoid, minimize, or mitigate adverse effects to historic properties. In many cases federal agencies will be bound by other applicable federal, tribal, state, or local laws that do prescribe a specific outcome, such as the Native American Graves Protection and Repatriation Act (NAGPRA). For undertakings on federal and tribal land that encounter American Indian human remains and funerary objects, NAGPRA applies. NHPA and NAGPRA are separate and distinct laws with individual implementing regulations. You should also be aware; State of Mississippi Antiquities Law preserves and protects sites, objects, buildings, shipwrecks and locations of historic, archaeological and architectural significance including historic and prehistoric American Indian or aboriginal campsites, dwellings and habitation sites.

Within the proposed area of potential effect (APE) you indicate "Alternative L" may adversely affect three archaeological sites considered eligible for inclusion in the National Register of Historic Places. Although the Chickasaw Nation does not attach religious or cultural significance to

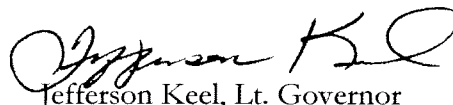


God Bless America!

these sites, we know the APE is in a location that contains properties of traditional religious and cultural importance to us that may be determined eligible for inclusion in the National Register of Historic Places. Consequently, the Chickasaw Nation desires to enter into consultation with FRA for this undertaking. If it is more convenient and expedient, we offer to host the consultation with the federal agency official at the Chickasaw Nation.

If you have any questions, please contact Ms. Gingy Nail, historic preservation officer at (580) 559-0817 gingy.nail@chickasaw.net or Ms. Julie Ray, historic preservation and repatriation manager at (580) 559-0825 julie.ray@chickasaw.net.

Sincerely,


Jefferson Keel, Lt. Governor
The Chickasaw Nation



Choctaw Nation of Oklahoma

P.O. Box 1210 • Durant, OK 74702-1210 • (580) 924-8280

Gregory E. Pyle
Chief

Gary Batton
Assistant Chief

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JUL 01 2011

HDR

June 28, 2011

Mr. Jim Lee
Sr. Vice President
National Business Class Director-Transportation Planning
HDR Engineering, Inc.
315 E. Robinson Street, Suite 400
Orlando, FL 32801-1949

Dear Jim Lee:


We have reviewed the following proposed project (s) as to its effect regarding religious and/or cultural significance to historic properties that may be affected by an undertaking of the projects area of potential effect.

**RE: *Draft Environmental Impact Statement
Tupelo Railroad Relocation Planning & Environmental Study***

Comments: After further review of the above mentioned project (s), and based on the information provided we defer to the Chickasaw Nation. However, should construction expose buried archaeological or building materials such as chipped stone, tools, pottery, bone, historic crockery, glass or metal items, or should it uncover evidence of buried historic building materials such as rock foundations, brick, or hand poured concrete, this office should be contacted immediately @ 1-800-522-6170 ext. 2137.

Sincerely,

Terry D. Cole
Tribal Historic Preservation Officer
Choctaw Nation of Oklahoma

By: 
Caren A. Johnson
Administrative Assistant

Choctaws...growing with pride, hope and success!

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JUL 05 2011



TOWN CREEK MASTER WATER MANAGEMENT DISTRICT OF LEE, PONTOTOC, PRENTISS AND UNION COUNTIES

BOARD OF COMMISSIONERS:

KENNETH OSWALT, CHAIRMAN
JOHN MORGAN
JIMMY BUCY
JAMES ROBINSON
MICHAEL PANNELL

DAVID R. SPARKS, JD
DISTRICT COUNSEL
POST OFFICE BOX 716
206 N. SPRING ST., SUITE 2
TUPELO, MS 38802
TELEPHONE: 662/842-0261
FACSIMILE: 662/841-7595

June 29, 2011

James W. Lee, P.E.
HDR Engineering, Inc.
315 E. Robinson Street
Suite 400
Orlando, FL 32801-1949

RE: Draft Environmental Impact Statement
Tupelo Railroad Relocation Planning & Environmental Study

Dear James:

Thank you for providing us with a copy of the Draft Environmental Impact Statement. I noted in reviewing it there was a reference to easements held by this District over and along certain channels. As you know this District covers parts of four counties and its primary function has been the construction and maintenance flood water retarding structures. Your report listed twenty-one and we actually have twenty-six such structures.

You Statement also referred to the width of our easements and stated a maximum width of 250 feet. Some of our channel easements extend as much as 500 feet. Our channel easements are from the centerline of the channel in both directions; for example a 500 foot easement would be 250 feet either way from the centerline of the channel. It is possible that in the areas about which you are concerned it may be no more than 250 feet but I am not certain that is correct.

This District will certainly be willing to provide you with any information that you may need. Our interest is in making sure that your information is accurate and that our easements are protected. Please advise us if you require any additional information or documentation.

DAVID R. SPARKS, J.D.
DISTRICT COUNSEL

DRS/clw



PO Box 571, Jackson, MS 39205-0571

601-576-6850 • Fax 601-576-6975

mdah.state.ms.us

H.T. Holmes, Director

July 13, 2011

Mr. Jim Lee
Sr. Vice President
National Business Class Director, Transportation Planning
HDR Engineering, Inc.
315 E. Robinson Street, Suite 400
Orlando, FL 32801-1949

RE: Draft Environmental Impact Statement for the Tupelo Railroad Relocation,
MDAH Project Log #06-149-11, Lee County

Dear Mr. Lee:

We received the draft Environmental Impact Statement (EIS) for the above referenced project on June 21 2001. We appreciate the opportunity to comment. After reviewing the information provided, in accordance with our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800, we reiterate our comments from our letter of March 17, 2009 regarding the Adverse Effect the project will have on the Mill Village and South Street Historic Districts, two potential historic districts and at least 50 structures that are contributing historic resources. As such, we recommend the No Build alternative. However, if this alternative is not possible, we will be happy to consult with all appropriate parties to minimize the negative impacts of the project or to develop a Memorandum of Understanding to mitigate the adverse effect to cultural resources.

We look forward to receiving additional information in the future and will provide appropriate comments at that time. If we can be of further assistance, please do not hesitate to contact us at (601) 576-6940.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Williamson", is written over the word "Sincerely,".

Greg Williamson
Review and Compliance Officer

FOR: H.T. Holmes
State Historic Preservation Officer

C: Ms. Kim Thurman, MDOT
Mr. John Winkle, Federal Railroad Administration



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Richard B. Russell Federal Building
75 Spring Street, S.W.
Atlanta, Georgia 30303

ER- 11/552
9043.1

March 9, 2012

Mr. John A. Winkle
Federal Railroad Administration
1200 New Jersey Avenue, SE
Room W38-311
Washington, DC 20590

Re: Comments and Recommendations on the Draft Environmental Impact Statement (DEIS) for
Tupelo Railroad Relocation Planning and Environmental Study to Improve Mobility and
Safety by Reducing Roadway Congestion in the City of Tupelo, Mississippi

Dear Mr. Winkle:

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the Tupelo Railroad Relocation Planning and Environmental Study to improve mobility and safety by reducing roadway congestion. The Department offers the following comments and recommendations for your consideration.

We welcome this opportunity to cooperate with the Federal Railroad Administration (FRA) and the Mississippi Department of Transportation (MDOT) in evaluating the proposed rail line improvements.

Specific Comments

General: The List of References cited in the text of the DEIS is missing.

Sections 3.12 and 4.11

These sections contain many factual statements on surface and groundwater but do not provide references to support the statements. For example, (pg. 3-37) the document states that "The Tennessee-Tombigbee Waterway has effectively lowered the thalweg elevation of all water bodies flowing into it. Upstream channels are adjusting to this lower elevation and are incising to meet the

new downstream gradient. Due to this natural channel process, streams are receiving large sediment loads." Suggest the Final Environmental Impact Statement (FEIS) include a reference for this statement, and a discussion of the available sediment data and an assessment of how in channel construction activities may add to the already large sediment loads. In addition, section 4.11 would benefit from a discussion of mitigation to prevent further increases in the downstream sediment loads during construction.

Sections 3.12.5 and 4.11.5

These sections refer to U.S. Geological Survey (USGS) groundwater measurements, but no source reference is provided. For example, (pg. 3-40) the document states that the groundwater elevation is over 230 feet below land surface in the affected area. We suggest the FEIS include references for the USGS groundwater data.

Summary Comments

We appreciate the opportunity to provide these comments. The Department has a continuing interest in working with the FRA and the MDOT to ensure that impacts to resources of concern to the Department are adequately addressed. If you have any questions concerning these comments, please contact Gary LeCain on (303) 236-1475 or via email at gdlcain@usgs.gov. I can be reached on (404) 331-4524 or via email at joyce_stanley@ios.doi.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "J Stanley", with a stylized, flowing script.

Joyce Stanley, MPA
Regional Environmental Protection Assistant

for

Gregory Hogue
Regional Environmental Officer

cc: Jerry Ziewitz - FWS
Brenda Johnson - USGS
David Vela – NPS
OEPC – WASH



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AUG 15 2011
H.D.B.

**MISSISSIPPI
DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS**

**Sam Polles, Ph.D.
Executive Director**

August 12, 2011

Jim Lee, HDR Engineering, Inc.
315 East Robinson Street
Suite 400
Orlando, FL 32801

John Winkle, Federal Railroad Administration
1200 New Jersey Avenue, SE
Room W38-11
Washington, D.C. 20590

Kim Thurman, Mississippi Department of Transportation
401 North West Street
Jackson, MS 39201

**Re: Draft Environmental Impact Statement
Tupelo Railroad Relocation Planning & Environmental Study R# 8412
Tupelo, Lee County, Mississippi**

To Whom It May Concern:

In response to your request for information dated June 17, 2011, we have searched our database for occurrences of state or federally listed species and species of special concern that occur within 2 miles of the site of the proposed project. Please find our concerns and recommendations below.

We do not currently have any records of rare, threatened, or endangered species or communities in the vicinity of your proposed project route of Alternative M. However, the quantity and quality of data collected by the Mississippi Natural Heritage Program are dependent on the research and observations of many individuals and organizations and, in many cases, this information is not the result of comprehensive or site-specific field surveys. In fact, most natural areas in Mississippi have not been thoroughly surveyed and new occurrences of plant and animal species are often discovered.

Based on information provided, and if Alternative M is the chosen route, we conclude that the proposed project likely poses no threat to listed species or their habitats.

Recommendations:

We agree that Alternative M would likely cause the least environmental impacts. In order to minimize the potential for impacts to rare and endangered species downstream from the proposed project, we recommend that best management practices be properly implemented, monitored, and maintained for compliance, specifically measures that will prevent suspended silt and contaminants from leaving the site in stormwater run-off as this may negatively affect water quality and habitat conditions within nearby streams and waterbodies.

In addition, portions of this project site are underlain by hydric soils and are designated wetlands and/or other waters of the U.S. If this project is approved, we ask that serious consideration be given to the cumulative impacts of wetland/stream disturbance and elimination, and that appropriate in-kind mitigation be provided.

Please feel free to contact us if we can provide any additional information, resources, or assistance that will help minimize negative impacts to this area. We are happy to work with you to ensure that our state's precious natural heritage is conserved and preserved for future Mississippians.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Castle", written over a light blue circular stamp.

Larry Castle
Director of Technical Programs

LC:ss

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AUG 15 2011

HDR



Tennessee Valley Authority
1101 Market Street
Chattanooga, Tennessee 37402

Brenda Brickhouse
Vice President
Environmental Permits & Compliance

August 10, 2011

Mr. Jim Lee
Senior Vice President
National Business Class Director
Transportation Planning
HDR Engineering, Incorporated
315 East Robinson Street, Suite 400
Orlando, Florida 32801-1949

Dear Mr. Lee:

**DRAFT ENVIRONMENTAL IMPACT STATEMENT TUPELO RAILROAD RELOCATION
PLANNING AND ENVIRONMENTAL STUDY**

The Tennessee Valley Authority has reviewed this Draft Environmental Impact Statement. The following are our comments on this document.

- The Build Alternative would likely require modifications (vertical relocations) to three TVA transmission lines. We anticipate learning more about these line modifications if and when the Build Alternative is selected for implementation.
- The Build Alternative would affect the setting of the historic TVA-Tupelo sign at the intersection of Gloster Street and Main Street. Although we have no control over this sign, we hope that the impacts to the sign would be mitigated in a manner that would preserve its historic interest.
- The analysis of potential disproportionate impacts to minority and low income populations conducted under Executive Order 12898 on environmental justice is based on a 20 percent difference threshold in population percentages. The basis for this threshold should be explained.
- Table 4-14 - Summary of Direct and Indirect Impacts and the associated text discussions state that there will be no effect on farmlands. The table and text discussions should be revised to note that there will be no effect on prime farmland as defined by the Farmland Protection Policy Act. As stated in the Land Use sections and illustrated in various figures, land that is currently in agricultural production and thus considered farmland, although not prime farmland, would be affected by the Build Alternative.

Mr. Jim Lee
Page 2
August 10, 2011

Thank you for the opportunity to review this Draft Environmental Impact Statement. If you have questions about our comments, please contact Charles P. Nicholson in Knoxville, Tennessee, at (865) 632-3582, or cpnicholson@tva.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Brenda E. Brickhouse', with a long, sweeping horizontal line extending to the right.

Brenda E. Brickhouse

cc: Ms. Kim Thurman, P.E.
Environmental Division Manager
Mississippi Department of Transportation
401 North West Street
Jackson, Mississippi 39201

Mr. John Winkle
Federal Railroad Administration
1200 New Jersey Avenue Southeast
Room W38-311
Washington, DC 20590



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
SAM NUNN
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA GEORGIA 30303-8960

September 12, 2011

U.S. Department of Transportation
Federal Railroad Administration
1120 Vermont Ave., N.W. (7th Floor)
Washington, DC 20005
Attn: Mr. John Winkle

Subject: EPA Comments on the Draft Environmental Impact Statement (DEIS)
for the Tupelo Railroad Relocation Project
CEQ No. 20110236; ERP No. FRA-E40838-MS
City of Tupelo, MS, Lee County

Dear Mr. Winkle:

The U.S. Environmental Protection Agency (EPA), Region 4, participated in an interagency scoping meeting on August 14, 2006 and agreed to act as a cooperating agency on August 25, 2006 and provided scoping comments on August 29, 2006. Consistent with our responsibilities under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act (NEPA), EPA Region 4 has evaluated the consequences of the Mississippi Department of Transportation's (MDOT) and the Federal Railroad Administration's (FRA) proposed relocation of the existing Burlington Northern Santa Fe Railway Company (BNSF) main rail line through the City of Tupelo, Mississippi.

The purpose of the project is to evaluate options to improve mobility and safety by reducing roadway congestion resulting from train traffic moving through the City of Tupelo, especially at the intersection of Main and Gloster Streets (locally referred to as Crosstown). Initially a No-Build and several Build Alternatives were considered. The Build Alternatives included rail operational improvements, in-town grade separations of the railroad and highways and alternative corridors. However, through the scoping and alternatives analysis process all of the Build alternatives were eliminated except for a proposed elevated rail viaduct with the relocated interchange yard (Alternate M).

The preferred Build Alternative (Alternate M) is approximately 25 miles long with approximately 2.9 miles of new elevated track construction and an additional 0.9 miles of new track for the rail interchange. The main line railroad improvements are primarily located within the existing BNSF right-of-way. Nevertheless, the DEIS indicates that the proposed project may impact up to 350 linear feet of streams (4 stream crossings), three 303(d) listed streams, 10 acres within the 100-year floodplain, 76 noise sensitive sites (severe impacts), 46 vibration receptors/sites, 37 visual impacts to historic sites or districts and 1 business relocation. However, this alternative would avoid any new crossings of the Natchez Trace Parkway.

Based on our review of the DEIS, EPA's environmental concerns are related to noise and vibration, water resources and the visual impacts to historic resources associated with the proposed rail relocation project.

Noise and Vibration - According to the DEIS, the noise and vibration impacts anticipated with the construction of Build Alternative are associated with the pile driving near existing structures. The implementation of the Build Alternative will result in severe noise impacts to 76 receptors while 46 receptors will be affected by vibration. With the proposed Build Alternative, the number of noise receptors along the project corridor that experience severe noise will actually decrease from the No-Build's 128 receptors to 76. The DEIS states that, "the elevated rail viaduct and rail interchange yard would decrease the noise impacts from train horns through Tupelo and create a quiet zone "through downtown Tupelo." It also notes that further noise reductions are possible by reducing the train's proposed operating speed. However, reducing the train's proposed operating speed was not deemed to be a viable mitigation strategy because it was inconsistent with the project's goal and purpose and need.

While the number of severe noise sites decrease with the preferred alternative, EPA notes that the number of residential receptors affected by the vibration from the railroad tracks will actually increase from 26 to 46 due to the proposed increase in train speed. Again, the DEIS indicates that the mitigation measures examined would only minimally reduce the vibration impacts and would not be cost-effective. The DEIS also notes that the anticipated increase in vibration is "well below the damage threshold."

EPA Recommendation: EPA appreciates the efforts made to reduce the number of noise impacted sites in the project area. The FEIS should discuss additional noise abatement measures to further reduce the number of noise sensitive impact sites (i.e., construction of noise barriers, installation of soundproof windows, brake technologies, and rail and wheel absorbers, etc) and their feasibility. In addition, measures to reduce the pile driving noise during construction should also be discussed. These measures may include hiring a qualified acoustical engineer consultant to develop noise mitigation strategies, installing sound absorbing blankets, restricting work times in residential areas from 7:00 a.m. – 7:00 p.m. and installing noise and vibration monitors.

Water Resources – According to the DEIS, the Build Alternative will only perpendicularly cross three regulatory floodways, two of which are already crossed by the existing BNSF main rail line. One wetland area near the Natchez Trace Parkway crossing will also be impacted by this alternative. This impact is described as "temporary" because it would be impacted by a temporary rail line while the permanent rail line was being constructed. In addition to the floodway crossings and the wetland fills, the DEIS indicates that approximately 350 linear feet of streams will be impacted by the Build Alternative. Extended bridge crossings are proposed to minimize impacts to streams and to accommodate a future second track.

The DEIS indicates that stream organisms are expected to be displaced during the construction of the bridge. However, the DEIS caveats the statement by suggesting that the aquatic organisms are expected to return once the construction activities cease. EPA has some concerns about the

fact that aquatic organisms will be displaced (even “short-term”) in a reach of a 303(d) listed stream that is biologically impaired.

In the project area, there are three major streams (Town Creek, Mud Creek, and Kings Creek) that are impaired due to their relative inability to satisfy their designated use for aquatic life. The proposed Build Alternative would lie within the existing railroad right-of-way, and would have much less impact to the surrounding streams compared to some of the previously examined alternatives. The impacts would be limited to bridge widening and a new crossing of Kings Creek for the BNSF-Kansas City Southern interchange.

EPA Recommendations: EPA notes the efforts made to select a Build Alternative that minimizes the impacts to wetlands, floodplains and streams. We also note that wetlands that are filled for a “temporary” rail line, are still impacted and any impact to wetlands needs a baseline assessment and needs to be compensated, albeit onsite, according to the documentation required by the 2008 Mitigation Rule. In addition, EPA notes that the proposed bridge crossings may provide some opportunity to allow more space for the stream to flood and the floodway to be unencumbered. It may be an appropriate consideration to construct the bridges to allow enough area for a natural stream design floodprone area. Eventually, channel downcutting and bank instability may need to be addressed; so planning for that need by bridging at an appropriate width is appropriate. EPA also recommends that MDOT and FRA consult with MDEQ on best management practice measures to ensure that the construction of the rail line does not result in any further degradation to impaired waterbodies within the project area.

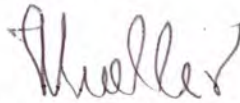
Historic Resources - The proposed railroad relocation and elevated design will visually impact Historic Sites and Districts. According to the DEIS, there are four historic districts and 34 architectural resources that are National Registry of Historic Places (NRHP)-listed or NRHP-eligible properties or historic districts within the Area of Potential Effect that could experience adverse visual impacts. MDOT and FRA are consulting with the State Historic Preservation Office (SHPO) and the Mississippi Department of Archives and History (MDAH). In addition to the state agencies listed above, the lead agencies are also coordinating with the Chickasaw Nation and the City of Tupelo on a Memorandum of Agreement (MOA) to address these visual effects during the final design and construction phases of the project. According to FRA and MDOT, the visual effects of the Build Alternative will not affect the “functions or qualities of the affected historic resources which made those resources eligible for the NRHP.

Recommendation: EPA supports MDOTs and FRA’s coordination efforts and recommends that the final MOA be included in the FEIS along with other documented coordination, consultation or concurrence activities. We appreciate the inclusion of both the visual renderings of the elevated rails lines and retaining walls at specific locations along the corridor and the listing of potential resources, sources of the visual impact and preliminary mitigation strategies for addressing those impacts closest to the proposed Build Alternative. EPA requests that a final copy or summary of the finalized MOU be included in the FEIS that describes the specific strategies that will be used to mitigate (i.e., aesthetic design, etc) for the adverse visual impacts.

Based on our review of the DEIS, EPA assigned a rating of EC-2 (Environmental Concerns - with more information requested) to the document. Specifically, more information is requested regarding additional noise reduction strategies, water resources and historic resources. Enclosed is a summary of definitions of EPA ratings.

We appreciate the opportunity to provide these comments and look forward to reviewing the FEIS for the proposed project. If you have any further questions or concerns, you may contact Ntale Kajumba at (404) 562-9620 or kajumba.ntale@epa.gov and William Ainslie of the Wetlands Regulatory Branch at (404) 562-9400 or ainslie.william@epa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mueller", is positioned above the typed name.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosure: EPA Rating Definition